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Law
For
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Israel's Laws and Legal Precedents

BY

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WITH PLANS AND DIAGRAMS

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The Student's Old Testament

ISRAEL'S
LAWS AND LEGAL PRECEDENTS

GROWTH AND APPROXIMATE DATES OF THE

B.C.		
1200	About 1200 Exodus from Egypt. 1150-1100 Settlement of Canaan.	PROPHETIC TEACHING CEREMONIAL CHURCH MANNERS RELIGIOUS
1100	1030 Establishment of Saul's Kingdom. 1010 David's Coronation at Hebron.	
1000	975 Solomon's Coronation. 965 Completion of the Temple. 937 Division of the Hebrew Empire.	DECALOGUE OF THE TWO TABLETS DECALOGUES (Ex.20 23-26, 2221-2319)
900	875-850 Work of Elijah. 854-839 Campaigns of Shalmaneser II.	
850	850-795 Work of Elisha. 842 Jehu's Tribute to Shalmaneser II. 810 Joash's Tribute to Hazael.	JUDEAN VERSION (Ex. 34) EPHRAIMITE BOOK (Ex.20
800	781-740 Reign of Jeroboam II. 750-740 Preaching of Amos.	PRIMITIVE CODES
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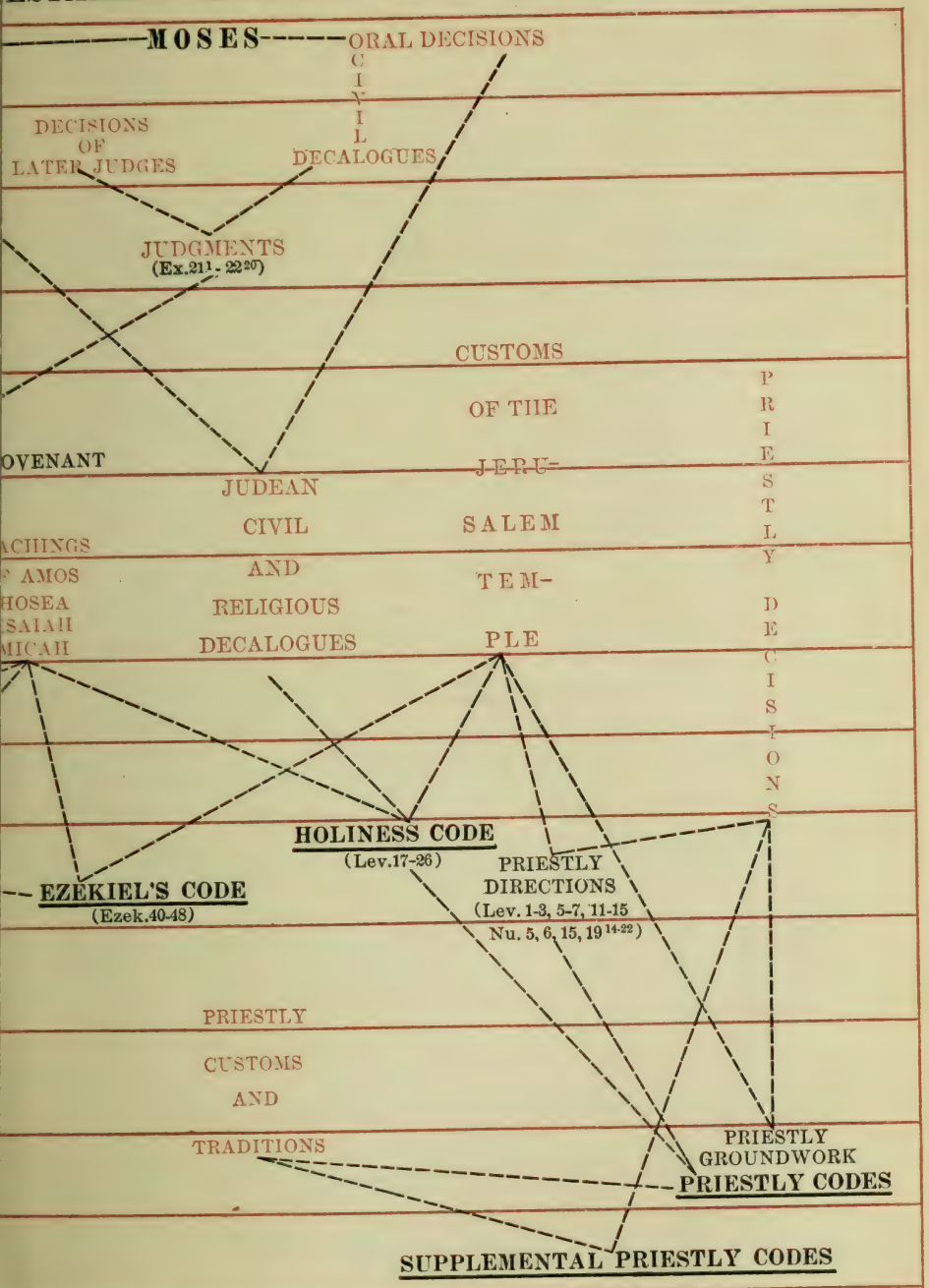
400	400 Adoption of the Priestly Law by the Judean Community.	
350		

EXPLANATION

KNOWN IN

PROBABLY CURRENT ONLY IN ORAL FORM

ESTAMENT LAWS AND LEGAL PRECEDENTS



PE AND COLOR:
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IMPORTANT CODES

PREFACE

THE *Torah* represents the first edition of the Old Testament, and in the life and thought of Judaism it has always retained that first place. In the reaction from this extreme emphasis upon the law, Christianity has perhaps underestimated the permanent value of the Old Testament legal literature. In rejecting that which is only national and temporal, it has also overlooked much that is vital and eternal. Law and prophecy are not antithetic, as is sometimes imagined, but rather different expressions of the same divine revelation, the one through the life and institutions of the nation, the other through the experience and minds of certain divinely enlightened men. The prophets proclaimed the principles which the lawgivers applied practically and concretely to the needs of their day and race. Both labored in their characteristic way to realize the will of God in the life of the nation and individual; but the lawgivers were in closest touch with that life and therefore in their writings picture it most concretely and vividly.

That inner history, however, is almost completely obscured by the confused order in which the laws at present are found. Civil and ceremonial, criminal and humane, secular and religious, ancient and late laws and legal precedents are all mingled together, with little trace of systèmatic classification. The one who seeks to read or study them is constantly distracted, as in the book of Proverbs, by the sudden transitions; if he desires to determine the teaching of the Old Testament on a given theme, it is only after the most laborious research that he is able to bring similar laws together. Even when this preliminary work has been done, the result is often perplexing, for many of the laws contradict each other.

The present confused order is the inevitable result of the complex process of collecting, editing and supplementing through which each of the legal books has passed. The laws of many ancient and modern nations present close analogies. Since law through gradual growth is adapted to the varying needs of succeeding generations, there is an inevitable lack of order unless the whole body of enactments is frequently and thoroughly codified.

The first requisite, therefore, if the Old Testament legal literature is to be studied intelligently and profitably, is that similar laws be grouped together, and then that those in each resulting group be arranged in their chronological order. For practical purposes it is important that all the regulations relating to a given subject be reproduced, even at the cost of occasional repetitions. It is also desirable to follow, as far as it can be discovered, the original Hebrew order of classification. In Exodus 21^1–23^{19}, which contains the oldest collection of laws in the Old Testament,

there is evidence of careful arrangement (cf. p. 27 and Appendix II). It is in general: (1) personal and family laws; (2) criminal laws, comprising injuries to persons, property, and society; (3) humane laws, emphasizing the duty of kindness to animals and men; (4) religious laws, defining obligations to God; and (5) ceremonial laws, containing minute directions regarding worship and the ritual. Inasmuch as this order is both logical and in general accord with the relative historical development of these different groups of laws, it has been followed in the system of classification adopted in the present volume. The minor sub-divisions are determined by the nature of the laws themselves and the modern principles of legal codification. The laws within each section are also arranged in their chronological order, so that the history and development of each Israelitish law and institution can be readily followed from their earliest to their latest stages. Nowhere in all legal literature can the genesis and growth of primitive law be traced so clearly as in Israel's codes thus restored. They also represent the most important corner-stones of our modern English laws and institutions and therefore challenge and richly reward the study of all legal and historical students.

The Old Testament laws, arranged in their chronological order, reveal the deeper currents and forces in the life of ancient Israel of which the external events in that remarkable history were but the effect. In each successive code the presence and power of God can be clearly recognized. Through that divine influence, customs, originally very rude and barbarous, are gradually transformed and ennobled, until they worthily express and effectively enforce the eternal standards of justice and love and mercy. It is also because these laws reveal Israel's and therefore humanity's faith and ethics in the making that they possess a great and permanent value. Each succeeding lawgiver, as did the great Teacher of Nazareth (cf. Mt. $5^{17, 21-48}$), felt under obligation to revise and bring to more perfect expression the divine ideals constantly revealed in fuller measure to each succeeding generation.

My great debt to the scholars who have contributed richly to our knowledge on the many subjects considered in this volume is suggested in the list of detailed references in Appendix I. The translations of the laws of Hammurabi are from Johns' *Babylonian and Assyrian Laws, Contracts and Letters*—a work with which all students of Israel's laws should be acquainted. Again I am under great obligation to the members of my Biblical and Hebrew seminars for many valuable suggestions, and especially to the Reverend Roy Mac Houghton in connection with the work of codification, to Mr. Darwin Ashley Leavitt for collaboration in the translation of the priestly laws, and to the Reverend Morgan Millar for aid in revising the copy.

C. F. K.

Yale University,
May, 1907.

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EXPLANATION OF TYPOGRAPHICAL SYMBOLS AND ABBREVIATIONS

Text in roman type.

Supplemental and editorial additions to an older section in smaller type.

Superscriptions IN SMALL CAPITALS.

Poetical passages are distinguished by smaller type and broken lines.

Explanatory clauses, found in the original, in ( ).

English equivalents of the more significant Hebrew proper names in [ ].

Words implied by the context or supplied to restore the original narratives, where these have been abridged in the process of editorial fusion, *in italics*.

Foot-notes, presenting the reasons for the analysis and classification of the material, significant alternate readings, and explanatory material, in small roman type.

Interpretative side-headings, giving a condensed summary of the accompanying text, on the margins in small roman type.

Chapter numbers in arabic figures. **Verse numbers** in small figures placed above the line. **Successive portions of a verse** indicated by ^{a}, ^{b} or ^{c}, placed after the verse number. Thus, Genesis II. 4 (second part of the verse) to IV. 6 (first half) inclusive is written 2^{4b}–4^{6a}.

Complete stories or literary units (with their parallels, if any) are numbered with arabic numerals successively throughout the entire volume and are referred to as sections. Thus, § 2 refers to § 2, **The Primitive Story of Man's Creation and Fall**, pp. 53–56.

General Abbreviations

AmRV = American Revised Version (1901).
AV = Authorized Version (1611).
Apocr. = Apocrypha or apocryphal.
Aram. = Aramaic.
Assyr. = Assyrian.
Bab. = Babylonian.
cf. = compare.
e. g. = for example.
f. = and following.
Gk. = Greek B (Vatican) text of the O.T.
Gk.A = Alexandrian Gk. text of the O.T.
Gk. ℵ = Sinaitic Gk. text of the O.T.
Heb. = Hebrew.
i. e. = that is.
Jos. = Josephus.
Lat. = Latin (Vulgate) text of Jerome.
Lit. = literally.
Luc. = Lucian's Recension of the Greek O.T.
N.T. = New Testament.
Old Lat. = Old Latin Version of the O.T.
Origen = Reading found in Origen's *Hexapla*.
O.T. = Old Testament.
Pent. = Pentateuch.
RV= Revised Version (1885).
Sam. = Samaritan Version of the Pent.
Sem. = Semitic.
Syr. = Syriac Version of the O.T.
Targ. = Targum.
Vs. = verse.

Abbreviations for the Old Testament and Apocryphal Books

Gen. = Genesis.
Ex. = Exodus.
Lev. = Leviticus.
Num. or, Nu. = Numbers.
Dt. = Deuteronomy.
Josh. = Joshua.
Judg. = Judges.
Sam. = Samuel.
Kgs. = Kings.
Chr. = Chronicles.
Neh. = Nehemiah.
Esth. = Esther.
Ps. = Psalms.
Pr. = Proverbs.
Ecc. = Ecclesiastes.
Sg. of Sgs. = Song of Songs.
Is. = Isaiah.
Jer. = Jeremiah.
Lam. = Lamentations.
Ezek. = Ezekiel.
Dan. = Daniel.
Hos. = Hosea.
Am. = Amos.
Ob. = Obadiah.
Jon. = Jonah.
Mic. = Micah.
Nah. = Nahum.
Hab. = Habakkuk.
Zeph. = Zephaniah.
Hag. = Haggai.
Zech. = Zechariah.
Mal. = Malachi.
Esdr. = Esdras.
Wisd. Sol. = Wisdom of Solomon.
B. Sir. = Ben Sira or Ecclesiasticus.
Bar. = Baruch.
Sg. of Three = Song of the Three Children.
Sus. = Susanna.
Pryr. of Man. = Prayer of Manasses.
Mac. = Maccabees.
Enoch = Book of Enoch.
Ps. of Sol. = Psalms of Solomon.

THE HISTORY OF ISRAEL'S LAWS AND LEGAL PRECEDENTS

INTRODUCTION

I

THE BABYLONIAN BACKGROUND OF ISRAEL'S LAWS

The dawn of civilization in ancient Babylonia

In the light of recent discoveries, the study of ancient law begins to-day, not with the legal system of Israel, of Greece, or of Rome, but with that of early Babylonia. Long centuries before the days of Moses or Minos or Romulus, the peoples living between the lower waters of the Tigris and the Euphrates developed legal codes that deeply influenced all subsequent legislation. This early rise of law in ancient Babylonia is primarily traceable to the physical contour and position of the land itself. For countless generations beyond the dawn of history, the rich alluvial territory lying between the two great rivers attracted the nomadic peoples of every quarter of southwestern Asia. The soil of this coveted region could be reclaimed from the annual floods, and permanently held against the strong foes ever pressing in from the east and west, only by the most arduous toil of hand and head. While Nature early spurred the mixed, virile population of ancient Babylonia to develop a high type of civilization, she generously rewarded its persistent labor. In return for skilful cultivation the land furnished lavish harvests; for the development of the arts it also provided abundant facilities, not the least of which was the soft clay of the river-banks, a material early utilized for buildings, for military defences, and for literary records.

Why it was a commercial civilization

Natural gate-ways opened in every direction for commerce. The Tigris and Euphrates with their tributaries penetrated far into the populous highlands to the east and north of Babylonia. On the west, the Arameans and Arabs, the great land traders, carried Babylonian wares to the Phœnicians, Egyptians, and southern Arabians, and in turn brought back the products of those other centres of ancient civilization. To the south, the Persian Gulf opened into the Indian Ocean and commanded the trade of Arabia and India. It is not strange, therefore, that Babylonia early developed a rich, dominantly commercial civilization, the influence of which radiated throughout the known world.

Early development of law and the art of writing

This intense commercial activity explains why the art of writing and the making of law attained in Babylonia so high a stage of development; commerce demands for its development exact written records and the protection of just and well-defined laws. Hence, for more than a thousand years before the days of Moses, the Babylonians had so far perfected their system of writing that it was in as general use as writing was among the Greeks or

Romans, or as it is to-day among most oriental peoples. The scribes constituted a large and important class in the community. Every important transaction was recorded in written contracts, usually duplicated to guard against injury to individual copies. All important judicial decisions were likewise recorded. Hundreds of thousands of these legal documents have already been discovered in the ruins of Babylonia and Assyria. Obviously, this remarkable command of the art of writing was of great service in the development of definite laws and legal codes. Among a primitive nomadic or agricultural people a few simple customs, at first transmitted orally from generation to generation, sufficed to meet the popular needs; but in a complex commercial civilization, a great variety of legal questions arose and were decided. It was the Babylonian custom to commit to writing all legal decisions; and these became the basis of an ever-growing body of written laws.

The Sumerian family laws

The few popular traditions attributing to a certain god the origin of Babylonian law, throw no light upon its earliest beginnings. Its origin is far older than the most primitive history and literature of the human race. In the legal phrase-books of the later scribes chance has preserved to us seven so-called Sumerian laws; they are written in the archaic language of the very early, though highly civilized, people that occupied the southern part of the Tigris-Euphrates valley before it came under the sway of the Semites. These laws were probably in existence in the fourth millennium B.C.; the origin of some of them doubtless goes thousands of years farther back. The fragments which have been preserved treat of family relations; as, for example, *If a son has said to his father, "You are not my father," he may brand him, lay fetters upon him, and sell him* (cf. for the others, Appendix II). The literary form and themes are the same as those of the later Babylonian and the early Old Testament laws.

The recently discovered Code of Hammurabi

By far the most important code yet discovered comes from about 2250 B.C. It bears the name of the real founder of the Babylonian empire, already well known to scholars through his letters and historical inscriptions, the great Hammurabi. The laws are clearly inscribed in forty-four columns on an almost square block of black diorite. It was found by French excavators at Susa in December, 1901, and January, 1902. Five columns of the original inscription have been erased by the Elamite king who carried it off as spoil, probably from the temple of Shamash at Sippara where it was first set up. Three thousand six hundred lines, however, still remain. These were arbitrarily divided into sections and numbered by the first translator, Professor V. Scheil of Paris, and this division into sections has been generally adopted for reference.

Purpose of this code

In the remarkable epilogue which he appended, Hammurabi plainly states the motives that guided him as a ruler, and led him to prepare and set up this body of laws. He describes himself as the shepherd chosen by the gods to care for his people, to lead them into safe pastures, and to make them dwell in peace and security. *That the great should not oppress the weak, to counsel the widow and orphan, to render judgment and to decide the decisions of the land, and to succor the injured,* he wrote these noble words on his stele

and placed them before his likeness. *By the command of Shamash, the judge supreme of heaven and earth, that justice might shine in the land,* he set up a bas-relief to preserve his likeness. At the head of the laws is an exceedingly suggestive picture representing Hammurabi receiving them from the seated sun-god Shamash. The epilogue also adds: *The oppressed who has a suit to prosecute may come to my image, that of a righteous king, and read my inscription and understand my precious words, and may my stele elucidate his case. Let him see the law he seeks, and may he draw his breath and say, "This Hammurabi was a ruler who was to his people like the father who begot them. He obeyed the order of Marduk his lord, he followed the commands of Marduk above and below. He delighted the heart of Marduk his lord, and granted happy life to his people forever." Let him recite the document.* These words betray a benign, God-fearing, paternal ruler, actuated by the principles that underlie all just legislation.

Contents and general character

The contents of the code confirm the implications of its epilogue. The code consists entirely of civil laws dealing with specific legal questions that were constantly arising in the empire over which Hammurabi ruled. Briefly and clearly the given offence or case of dispute is stated; then the penalty or course of legal action is definitely outlined; as, for example, *If a man has borne false witness in a trial, or has not established the statement that he has made, if that case be a capital trial, the man shall be put to death.* The code was evidently prepared for the guidance of judges no less than for those seeking justice. The aim, apparently, was not to present every possible case, but, leaving the more unusual to be decided by the judge, to register the common and typical. Unlike most oriental literary products, the laws have been systematically classified. They are included under three great heads with subdivisions: I. Introduction on evidence and decisions; II. Property, (1) personal, (2) real, and (3) in trade; III. Persons, (1) the family, (2) injuries, (3) laborers and labor. Within the smaller groups of laws, those defining the rights and obligations of the patrician classes precede those relating to the plebeians and slaves.

Origin and history

This entire collection of laws is properly called the *Code of Hammurabi*. Under his personal direction it undoubtedly assumed its present form, and by him it was publicly promulgated and made the law of the empire. He states distinctly that he received it from the god Shamash. The meaning of this statement, however, must be interpreted in the light of the code itself. Some of the laws, doubtless, were first formulated by Hammurabi; to this class may well belong those which attempt to fix a uniform price for hire and labor; but it is certain that the code as a whole rests on far older foundations. Many of its laws are assumed to be already in existence, and not a few of its legal phrases are found in contracts dating long before the time of Hammurabi. Like the Indian *Laws of Manu*, or the Greek *Gortyan Code*, or the Roman *Twelve Tables*, the code is evidently a compilation incorporating many very early laws and customs. So comprehensive and so well adapted to the needs of Babylonia was the wonderful Code of Hammurabi that for more than fifteen hundred years it continued to be the fundamental law of the Babylonian and Assyrian empires.

Its influence upon Israel's laws

How far did this highly developed Semitic code influence the laws of the Hebrews? The fact that it was in force through a large part of southwestern Asia for over a thousand years before the advent of the Hebrews, and that it bears striking analogy in theme, content, and form to many Old Testament laws, naturally prompts this query. The question is one that concerns not the reality but the method of divine revelation; for that revelation is as broad as human life and history. The vital consideration is whether the Infinite Judge made known the eternal principles of justice through the minds and life of the Babylonians as well as of the Hebrews? If so, the history of the origin and growth of Israelitish law begins in ancient Babylonia long before the days of Hammurabi; and the code of that truly noble ruler marks, like the Book of the Covenant (Ex. 21–23) and Deuteronomy, one of the great receptive epochs of divine revelation through human laws and institutions.

Early Babylonian influence in Canaan

The final answer to this important question must, of course, be based on a detailed and careful comparison of the codes as a whole, and of the individual laws; to approach the study a glance at some historical points of contact between Babylonian and Israelitish civilization must here suffice. It is probable that out of the same peculiar nomadic life of north Arabia came the ancestors of the Hebrews and those of the Babylonian line of rulers to which Hammurabi belonged. A common Arabian origin may go far to explain the many points of analogy between the two legal systems. In the oldest Babylonian inscriptions, far antedating the days of Hammurabi, the more ambitious rulers of the lower Tigris-Euphrates valley tell of conquests of theirs which extended to the eastern shore of the Mediterranean. Even during the periods when military prowess did not prepare the way, traders, bearing the civilization and thought and institutions of the East, carried on the peaceful but no less effectual conquest of Palestine. For three millenniums at least their conquests continued, until, as we know from contemporary chronology and the testimony of archæology, the pre-Hebraic civilization of Canaan reflected predominantly that of Babylonia.

Later contact between Babylon and Israel

There can be no doubt that the Babylonian culture influenced the Israelites through their own Semitic ancestors, and still more strongly through the Canaanites; but there are two periods in their history when that influence was overwhelming. The first period was when the Assyrians, the heirs and conquerors of Babylon, held Palestine for nearly two centuries in their iron grasp; the second, when the new Babylonian empire under Nebuchadrezzar conquered Judah and carried away to an exile under the shadow of the mistress of the East, the political, intellectual, and religious leaders of the Israelitish race.

Nature of the Babylonian influence

The intricate manner in which the history of these two peoples is constantly interwoven is one of the most remarkable and significant facts of antiquity. That the younger and weaker was deeply influenced by the older and stronger is patent; in the case of the specific laws, however, that influence, though marked, appears to have been indirect rather than direct. Gradually, probably unconsciously, assimilating that which they inherited

from the Semitic past, the early Israelites, wrought upon by the Divine, developed their own peculiar institutions and laws; for, striking as are the external analogies with the laws of other ancient people, especially in ceremonial regulation, the majority of the Old Testament laws are informed by a spirit and purpose which have no ancient parallel.

II

THE ORIGIN AND GROWTH OF ISRAELITISH LAW

Meaning of the Hebrew word for law

In derivation and variety of meanings there is a wealth of suggestion in the term *torah*, the Hebrew word for law. It comes from a verb which means *to point out, to direct*, and this in turn is probably to be traced back to an earlier root signifying *to cast* or *throw* the sacred lot or arrows employed in early times to determine the divine will. The verb is thus used in Joshua 18^6 to describe the casting of lots. Hence *torah* meant originally the decision obtained by the lot, and then it stood for the authoritative direction or decision that came from Jehovah and was made known to the people by his official representatives.

Different kinds of *torah*

Since Jehovah was represented in ancient Israel by several different classes of teachers, there were various kinds of *torahs*. One of the oldest and most significant was the *torah* or decision of a judge like Moses, which soon came to be recognized as a precedent to be followed when cases similar to that which called it forth arose (Ex. $18^{15, 16, 20}$). The *torah* was sometimes the designation also of social and moral teachings (Is. 5^{24}), of political counsels (Is. $8^{16, 20}$), and of religious doctrines (Is. 1^{10}) of prophets like Isaiah. In the prophetic books it frequently denotes the teachings of the prophets as a whole (*e. g.*, Jer. 6^{19}, 9^{13}, 16^{11}, 26^4). And constantly the wise men or sages throughout their writing refer to their own characteristic teachings that were usually cast in the form of proverbs (*e. g.*, Pr. 1^8, 3^1, 4^2, Job 22^{22}) as the *torah* or instruction. In Psalm 78^1 a psalmist uses the same broad term to describe the didactic poem that follows. In all these passages the common idea is that the *torah* consists of a body of definite and authoritative directions or teachings coming ultimately from Jehovah himself.

The *torah* of the priests

From statements like that in Jeremiah 18^{18}, however, it is clear that the *torah* was early regarded as the especial contribution of the priest. The enemies of Jeremiah justify their attack upon him by asserting that *the torah* (or *law*) *shall not perish from the priest, nor counsel from the wise, nor the word from the prophet* (cf. also Ezek. 7^{26}). In its earliest and limited sense the *torah* was the specific decision or direction given by the priest, and ascertained by him, usually in response to some definite question, by means of the oracle or lot or other accepted method of ascertaining the will of the Deity. Thus according to Malachi 2^6, *the torah of truth was in the mouth of the priest . . . and the people should seek the torah at his mouth.* In Haggai 2^{11} the people are commanded to ask a *torah* from the priests in regard to a certain ceremonial question. In the prophetic books charges are not infrequently brought against the priests because they have misused their authority as guardians of the *torah* (Mi. 3^{11}, Zeph. 3^4, Ezek. 22^{26}, Mal. $2^{8, 9}$). From

the earliest times the priests, since they were the guardians of the oracles and constituted an established religious class that could readily be found at the different local sanctuaries, were resorted to as arbiters and judges in cases civil as well as ceremonial. According to the later Deuteronomic codes the supreme court of appeal included both priests and laymen; and its decision on a specific question was still called the *torah* or direction (Dt. 17^{11}).

Later literary content of the term *Torah*

As in the case of the teachings of the prophets and sages, *torah* in like manner became in time the regular designation of a group of technical directions regarding some specific subject, as, for example, the *torah* of the burnt-offering, of the cereal-offering, or of the Nazirite (Lev. $6^{9, 14, 25}$, $7^{1, 11, 37}$, 11^{46}, 12^{7}, 13^{59}, Nu. $5^{29, 30}$). Primarily these rules appear to have been intended for the guidance of the laity rather than the priests. Soon, however, the *torah* or law was the name applied to a code of laws (as, for example, that found in Dt. 1^{5}, $4^{8, 44}$, $17^{18, 19}$, etc.), or appeared in the familiar phrase *the torah* or *law of Moses*, which described the collection of codes ascribed by later generations to the first great leader of the Hebrew race (Josh. $1^{7, 8}$, $8^{31, 32}$, I Kgs. 2^{3}, II Kgs. 10^{31}, $17^{13, 34}$, 21^{8}). In the later Old Testament books and in the New Testament, *The Torah* has become the prevailing designation of the combination of narrative, poetry, and law found in the first five books of the Hebrew Bible (I Chr. 16^{40}, II Chr. 31^{3}, Ezra 3^{2}, Neh. 8^{1}). The legal *torah* in its broad application, therefore, included all the directions—civil, judicial, moral, ceremonial, or religious—that came from the lips or pens of priests or priestly scribes.

Origin of the belief in the divine origin of law

As has been pointed out, when the early priest by the use of the oracle or sacred lot, or on his own authority as God's representative, rendered the decision, it was Jehovah's *torah*. When this and kindred decisions became the precedents by which later judges were guided in deciding similar cases, they felt that they were simply applying Jehovah's law. Priestly editors who recorded the customary laws that grew up on the basis of these precedents, or else expanded or modified the primitive customs in order to adapt them to new conditions, felt, as did Ezekiel (cf. Ezek. 40–48), that they were simply the agents of Jehovah.

To be sure, the concrete, naïve form in which they often expressed this fundamental belief cannot be interpreted with a blind literalness. The declaration that Jehovah talked face to face with Moses or wrote with his finger on tablets of stone reflects the primitive, anthropomorphic conceptions of God which are so prominent in the story of the Garden of Eden and the earliest patriarchal narratives. But this is only the early graphic manner of stating the eternal fact that God communicated his truths directly to his prophets and people, and inscribed a knowledge of his law, not with his finger on perishable stone but by means of individual and national experiences, upon the imperishable consciousness of the Israelitish race. The process of revelation was indeed more natural and sublimely accordant with God's methods of accomplishing his purpose than Israelitish tradition pictured it; and yet these concrete pictures impressed upon the minds of the early Hebrews the divine origin of the law much more clearly and vividly than a more exact and therefore more abstract statement of the fact would have done.

Progressive nature of divine revelation through the law

For the child now, as for the human race in its childhood, these concrete pictures have a practical value, for they emphasize the essential truth that the ancient laws embody the will and possess the authority of God himself. To some mature minds, however, that picture language obscures the almost equally important fact that the revelation of God's will through the Old Testament laws was progressive and adapted to the developing consciousness of the race. A *torah* was given only when demanded by human needs, and originally it gave in each case specific directions to anticipate those immediate needs. That the different laws and codes reflect the developing moral and religious consciousness of many different ages, the character of the laws and codes themselves is conclusive evidence. The testimony of Israelitish history also confirms the conclusion that the ethical standards and laws varied greatly from generation to generation. Acts like the torture of enemies (II Sam. $8^{2, 13}$) or the sacrifice of human beings to appease Jehovah (II Sam. 21^{1-6}), which were regarded as entirely legitimate by David and his contemporaries, were unsparingly condemned by an Amos ($1^{3, 13}$) or a Micah ($6^{7, 8}$). Jesus himself proclaimed the fundamental principle of religious evolution to be, *First the blade, then the ear, and then the full corn in the ear.* His statement, that he came to *fulfil the law*, that is, to bring it to full and perfect expression, is equivalent to affirming that it represented a progressive unfolding not yet complete. Repeatedly he declared, *Ye have heard that it was said to them of olden time, but I say to you*, and then proceeded to substitute for the ancient law a nobler command.

Origin of the traditional conception of the law

It was only very late Judaism that attributed all the Old Testament laws to one man and age. There was a twofold reason for this; it was partly due to a mistaken worship of the authority of the past, a worship which failed to realize that God's revelation was progressive, leading upward rather than downward; and it was due partly to the tendency of later rabbis to recognize as authoritative only those books which were associated with the name of some early prophet or hero of the faith, such as Samuel or David or Solomon or Isaiah. The Old Testament itself, as is well known, does not directly attribute to Moses the literary authorship of even a majority of its laws; the passages that place them in his mouth belong to the later editorial framework of the legal books.

Moses' real relation to the Old Testament legislation

The oldest records of Moses' work, and the history of the *torah*, suggest the great leader's real relation to Israelitish legislation as a whole and justify the title, *The Law of Moses*, so often applied to that legal lore. As a prophet and leader he called the Israelitish race into being; and he it was who inspired it with ideals, moral and religious, of which its later history and institutions were but the realization. There are good grounds for believing that the simple religious principles which he impressed upon his people were but the germinal ideas which, in the school of trying national experience, gradually unfolded into the *torahs* of the subsequent prophets and priests. His own age had no need of elaborate written codes. To his followers in the desert the detailed laws which grew up about the later monarchy and temple would have been meaningless. Exodus 18^{13-27} tells us that he gave the Israelites of his day what they needed; and the need was definite, detailed

directions and decisions on questions of doubt or dispute as these questions arose. From morning until evening the people crowded about him to inquire the will of God; and like a Bedouin sheik or a priestly judge of later Israelitish history, he investigated each case and rendered a decision. As he thus decided which of two litigants was in the right, he also *made known the statutes of God and his decisions*, and thereby laid the foundation of later Israelitish law. As customary law gradually grew up on this concrete foundation, tradition naturally attributed its origin to Moses. When later scribes codified and committed to writing the constantly expanding body of oral laws, they also preserved the traditions of Mosaic origin. Even though they modified or supplemented the older laws in order to adapt them to new conditions and to embody the higher principles set forth by later prophets, they felt neither desire nor justification for altering the traditional title. The tendency, rather, of exilic and post-exilic Judaism was so to magnify and give graphic expression to the ancient title that practically all of the Old Testament laws were made to come directly from the mouth of Moses.

The divine authority underlying Israel's law

In the same dramatic manner are set forth the two great truths that underlie the authority of Israel's laws. The first truth is: back of the laws lie the work and teachings of the great prophets of Israel who proclaimed the exalted principles which the laws embody. The second truth is: back of the prophets, and speaking through them and the conscience of the Israelitish race, was Israel's God. The various processes and stages whereby the different laws attained their final form may be traced in detail; but they are of minor importance compared with the supreme fact that Israel's laws contain God's directions, adapted at each point to the intelligence and needs of the race.

The uniqueness of Israel's laws

The fact that many of Israel's laws and institutions were inherited from an older Semitic past does not affect the divineness of their origin; to receptive souls, however limited their spiritual perspective, the infinite God has in all ages and to all races revealed truth as fast as they have been able to receive it. Hammurabi and most ancient lawgivers not only acknowledged but openly proclaimed their debt to the Divine. Israel received much from the past; but more than this, she developed unceasingly her own gift; her laws take on a wide human significance because they constantly incorporate the ampler principles enunciated by the nation's inspired prophets. It is this new element, reflecting as it does a nobler conception of God, of duty to him and to fellow-men, that makes the Old Testament laws unique.

Meaning of a *mishpat* or decision

We have referred to the part played by *torah*; there are still other Old Testament legal terms equally suggestive of the processes by which Israel's laws gradually grew. *Mishpat*, derived from the same root as the Hebrew word for judge, meant originally a *judgment* or a *decision* given in connection with a specific case. Like *torah*, however, it was soon used to designate the enactment or law which grew up on the basis of the original decision, and embodied its underlying principle. In this sense it is used in Exodus 21^{1} and 24^{3}, as a title to the body of specific laws found in 21^{1}–22^{27} (introduced in each case by *when* or *if*) which anticipate certain crimes and prescribe definite penalties. At first it appears to have included only civil laws, as in Exodus and Numbers 27^{11} and 35^{24}, but in time it was applied to ceremonial laws

as well (*e. g.*, Lev. $18^{4, 5, 26}$, 19^{37}). In the historical books it is sometimes used in the sense of *custom*, suggesting the intermediate stage between a verbal decision and a fixed law.

Other Hebrew synonyms for law

The other synonyms for law are comparatively late. *Commandment* is a characteristic term in the Deuteronomic legislation. It emphasizes the divine authority back of the given law (*e. g.*, Dt. $4^{2, 40}$, $5^{29, 31}$). *Testimonies* (*êdwôth*, *êdôth*) is another Deuteronomic term (Dt. 4^{45}, $6^{17, 20}$), especially applied to moral and religious enactments solemnly proclaimed and attested by Jehovah. *Precepts* (*pekkudîm*) is found only in the Psalms (note especially Ps. 119). *Statute*, from a root meaning to *inscribe* or *engrave*, suggests a period when writing on stone was well known. This term recalls the divine command to Isaiah (Is. 8^{1}) to write the essence of his prophecy on a tablet and set it up before the eyes of the people. The practice of inscribing the more important laws on tablets and putting them up before the people was common in antiquity, as witness the Code of Hammurabi, the Gortyan Laws of Crete, and the Twelve Tables of the Romans. The word *statutes* also occurs frequently in the Deuteronomic and priestly codes and suggests that the custom was not unknown among the Hebrews (cf. Dt. 27^{2-4}). In general it emphasizes the importance and established authority of the laws thus designated.

Authorities that rendered the original decisions which shaped later laws

In the light of these studies, and of analogies among other kindred peoples, it is thus possible to trace definitely the processes by which Israel's individual laws came into being. The original decisions that constituted the precedents upon which oral and customary law grew up, were rendered, (1) by regularly appointed judges, usually leaders of the nation like Moses or heads of families (*e. g.*, Ex. 18^{13-26}, Dt. 1^{9-18}); (2) by military chieftains or kings like David. In I Samuel $30^{24, 25}$, for instance, there is a most instructive example showing that the law regarding the distribution of booty, which Numbers 31^{27} attributes to Moses, first arose as the result of a decision given by David after an expedition against the Amalekites. In addition to the authorities instanced under (1) and (2), we have to add (3) that the great majority of the Old Testament laws doubtless grew out of the decisions of the priests (Mal. $2^{6, 7}$), or (4) later, out of the renderings of the supreme court of appeal at Jerusalem (Dt. 17^{8-12}).

Editorial work of the priests

There is no evidence, however, that a special legal commission or legislative body was ever intrusted with the task of formulating laws or of collecting or codifying existing customs. This was contrary to the theory of ancient Israelitish law, the origin of which was early traced back directly through Moses, or the *torahs* of the priests, to Jehovah himself. To the priests, as proclaimers, interpreters, and guardians of the *torah*, fell the responsibility of collecting and codifying and also of developing the law. This is distinctly implied in Zephaniah 3^{4} and Ezekiel 22^{26}, where they are charged with having done violence to the *torah*. Thus the theory and practice underlying Israelitish law explain how it was possible readily to absorb foreign elements and at the same time to develop in accord with the higher moral standards and needs of each age.

In the history of Israel's legal system five distinct periods may be dis-

The five great epochs in the development of Israel's laws

tinguished. The first is the nomadic, the period which preceded the settlement in Canaan. At this stage the customary Semitic law of the desert, supplemented by the specific rulings of their leaders and priests, sufficed for the people's simple needs. The second may be designated as the early agricultural or Canaanite period. It began with the settlement in Canaan and extended down to the revolution of Jehu in 842 B.C. It was then that the nomadic Hebrews gradually absorbed the Canaanites by conquest and intermarriage and adopted largely their civilization, laws, institutions, sanctuaries, and, as the prophets frequently complain, not a few of their religious ideas and customs. The third may be denominated the prophetic period; that during which the great heralds of ethical and social righteousness impressed their new and revolutionary principles upon the conscience of the race. This period, extending from 842 to 586 B.C., was one of intense political and religious activity. It was in the interval between these two dates that the great moral and humane laws probably took form. The fourth period embraces the exilic and post-exilic times; it extends from 586 to about 300 B.C. The nation rested under the shadow of the exile, and its religious leaders under the spell of the Babylonian and Persian religions. With the hierarchy in the ascendancy, the whole tendency of the age was toward ceremonialism. The end of this period marks the probable date at which the canon of the law was closed. The fifth period is that of the oral law, and extends on beyond New Testament times. In theory the legal canon was forever closed, but in practice the expansion of the law still went on in the schools of the scribes. Until after the fall of Jerusalem (70 A.D.), however, the results of these scribal labors were preserved simply in the form of oral tradition.

The long period of oral transmission

Until the exile wrought a radical transformation in their habits, the Israelites were not, as were the ancient Babylonians and Egyptians, a literary people. Abhorring commerce as they did, their life was comparatively simple; their own individual and national problems commanded most of their attention. Oral communication being easy, it was not until real needs arose that laws were likely to be committed to writing, or, at least, to gain wide currency in written form. Even the *Book of the Covenant*, though solemnly accepted as law in the days of Josiah, was simply read to the people (II Kgs. 23^2). There is no evidence that more than one copy of it was made at the outset. In the numerous introductions to the laws in the Pentateuch, introductions written comparatively late, the references are chiefly to the oral reception and presentation of those laws. Only in connection with the early decalogues is it distinctly stated that they were written down (*e. g.*, Ex. 24^4, 31^{18}, 32^{16}, $34^{27, 28}$, Dt. 9^{10}); and then the aim of the statement is to emphasize their divine origin. During the nomadic period there was no need for written laws.

The earliest traces of written laws

The ultimate conquest of the Canaanites and the absorption of their civilization, gave the Hebrews their system of writing; in all probability, also, it introduced them directly or indirectly to the legal codes inherited from Babylonia. It is possible that certain rules for the guidance of judges were placed on record as early as the days of David. The reference in Hosea 8^{12} may seem to imply the existence in Northern Israel of written *torahs* or direc-

tions; but the context indicates that they were simply the moral teachings of the prophets, applied, possibly, in the form of laws to the life of the people. For the nation as a whole, oral law and custom undoubtedly sufficed far into the prophetic period, even until the reformation of Josiah, an event which we know was based on a definite written code. And the account we have of that reform movement makes it clear that the *Book of the Covenant* had its genesis in the desire to correct prevailing usages and to regulate the life of the nation in accordance with the new doctrines of the prophets.

Influences of the exile that made the Israelites a literary race

The influences most potent in promoting the growth and study and use of the written law date from the beginning of the Babylonian exile. It was then that writing became the principal means of communication between the scattered remnants of the Israelitish race. The example of the Babylonians and Egyptians, among whom the leaders of Israel found themselves, could hardly fail to influence them. With the future of their race and religion depending largely upon the preservation of the rich heritage from the past, with the temple and sacred city in ruins and the ceremonial institutions in abeyance, the demand became imperative for written records of the customs and rules hitherto transmitted from priest to priest by usage and oral teachings. Torn from the temple and without occupation, the priests had, like Ezekiel, both leisure and incentive to become scribes and cast their inherited customs and laws into permanent form—a literary form which at once conserved Israel's heritage and adapted it to the changed conditions and beliefs that the exile brought in its train. Hence during the period beginning a little before 621 and ending about 300 B.C. with the closing of the canon of the law, the great majority of the Old Testament laws were, it is safe to say, not only first committed to writing, but also edited, codified, and given their final form.

Testimony of the laws themselves to their gradual growth

The character and present literary structure of the Old Testament laws confirm, at every point, the plain implications of Israelitish history and contemporaneous reference. Among the many indications of their gradual unfolding into successive codes is the fact that the same law is often repeated twice and, in some cases, four or five times; a fact obviously inconsistent with the late Jewish theory of their derivation from the one age and lawgiver. Then again, laws dealing with the same subjects as, for example, those defining the rights of slaves, inheritance, and temple dues, are found to stand in a progressive relation to each other; for in Deuteronomy these laws are given with much detail and often fundamentally modify the similar enactments in Exodus 21–23; and in Leviticus the corresponding laws introduce various other elements not logically consistent with the preceding, if all are assigned to the same age. Furthermore, certain laws supplant each other; as, for example, that in Deuteronomy 12, decreeing that all sacrifice must be offered in Jerusalem, is in obvious contradiction to the law of Exodus $20^{24, 26}$; since this law in Exodus provides for the rearing of a sacrificial altar at any suitable place and is in perfect keeping with the prevailing usage until the days of Josiah (cf. *e. g.*, I Sam. $9^{12, 22\text{-}25}$, I Kgs. $18^{30\text{-}37}$).

There is further evidence, of the most convincing character, that the various

groups of laws come from different ages and schools of writers; it is to be seen in the radical difference of vocabulary and literary style existing between the various groups. When it is also noted that these several groups have the characteristics of the early prophetic, the late prophetic or Deuteronomic, and the priestly narratives of the Pentateuch, respectively, the criteria are at hand by means of which the individual laws may be distinguished from each other and their approximate dates determined. Guided by these unmistakable evidences and aided by the tireless labors of the scholars of the two centuries past, the student of to-day is able to rearrange the Old Testament laws in their approximate chronological order, and, on the basis of this order, trace the unfolding of Israel's legal and ceremonial institutions from the age of Moses to the days of Nehemiah (for a graphic representation of the growth and approximate dates of the codes cf. Frontispiece).

Evidence that they come from different schools of writers

III

THE PRIMITIVE HEBREW CODES

The original early Judean decalogue

SINCE the priests did not write their history until after the exile (cf. Introd. of Vol. I, p. 47), the place to look for the primitive records of Hebrew law is in the early Judean prophetic narratives, committed to writing about 800 B.C. (cf. Introd., Vol. I, pp. 31–37). In Exodus 34, the major portion of which is now generally assigned to these narratives (cf. Vol. I, note § 76), is found what appears to be the oldest recorded group of Hebrew laws. Like all ancient enactments they have been supplemented by many later hortatory and explanatory additions, which indicate incidentally the great importance attributed to the oldest laws by later generations. When these additions are removed the original laws are found to consist of ten brief words or commandments; thus the designation in Exodus 34^{28c}, *And Moses wrote upon the tablets the words of the covenant, the ten commandments.* According to the early Judean prophetic tradition associated with them, they are the original ten commandments written by Moses at Jehovah's dictation on two tablets of stone (Ex. $34^{1a, 4, 27, 28}$). In the oldest Hebrew narratives, therefore, they are given the central position in the entire Old Testament legal system. This position is also supported by the fact that each of the regulations of that primitive decalogue is repeated in the same or expanded form elsewhere in other groups of laws. That most of the regulations are reproduced four or five times in successive codes, indicates how great was the authority and importance attributed to them by late lawgivers.

Its probable date

The further evidence of their being the primitive corner-stone of Israelitish legislation is confirmed by their character. They define religion in the terms of the ritual; they come, therefore, from a period long antedating Amos and Isaiah, both of whom defined religion in terms of life and love and service. In common with the utterances of all early religions these primitive commands emphasize simply the cultus. They do not necessarily condemn all representation of the Deity by images. Even the injunction, *Thou shalt make no molten images*, leaves a place for the family teraphim, the pillars, and the sacred symbols that figure in the stories of the patriarchs. This command simply prohibits the molten images made, probably, by foreign workmen and in imitation of heathen models; and possibly the second command in its present form (Ex. 34^{17}) is a Judean protest against the calves overlaid with gold, such as were set up by Jeroboam I at Dan and Bethel. The first command emphasizes the principle publicly enforced by Elijah, namely, that Jehovah alone shall be acknowledged as God by the Israelites. The remaining laws enjoin the faithful observance of the three great annual feasts, and the sabbath, and the offering of the customary sacrifices according to the demands of the

early ritual. At least three of the commands assume that the Hebrews are agriculturists, and therefore already settled in Canaan. Others, as for example the command not to seethe a kid in its mother's milk, are clearly inherited from the nomadic period, and may well go back to the days of Moses. As a whole, however, these ten words in their present form cannot be definitely dated earlier than the days of the united kingdom.

Evidence that it was found originally immediately after Exodus 19

This decalogue appears to have had a place from the first in the early Judean narratives. Important evidence has already been presented (Vol. I, notes §§ 75, 76) to the effect that the familiar prophetic decalogue of Exodus 20^{1-17} was substituted by a late prophetic editor for the older decalogue of Exodus 34. The importance of the former amply justified the transfer, although it assigned to the beginning of Israel's history certain principles (as, for example, the rejection of all images) which were only gradually revealed to the more mature consciousness of the race. This substitution, however, was in perfect keeping with the tendency that finds illustration in every department of Old Testament literature. In the light of the higher teachings and ideals of the prophets, the primitive definition of the obligations of the people to Jehovah had been supplanted by one much nobler. Exodus 19^{25} states that Moses had gone down from the mount of revelation, although its present sequel (Ex. 20^{1-17}) implies that he was still on the mountain in the presence of God. The natural and immediate continuation of the early Judean prophetic narrative of 19^{20-25} is found not in 20 but in 34; for the latter opens with the command to Moses to go up again on the mountain with tablets to receive the words of the covenant (cf. for the restored order, Vol. I, §§ 183, 184). The reference to the second tablets of stone in $^{1b, 4b}$ are evidently from the editor who substituted the prophetic decalogue of Exodus 20^{1-17}. Fortunately he preserved the older version by resorting to the harmonistic method often employed by the editors of the Pentateuch when confronted by two conflicting parallel versions, and assigned it to a later setting. The Ephraimite or Northern Israelitish account of the sin of the people and of the destruction of the two tablets (32^{15-19}) suggested a method of reconciling the presence of two distinct decalogues. Accordingly the editor introduced the older immediately after this account. The great inconsistency of his theory, however, is left unreconciled; for he offers no hint or explanation why one decalogue was inscribed on the first tablets and a totally different one on the duplicate tablets, notwithstanding the fact that the context clearly implies identical contents in both cases.

Original position of the laws now found in Exodus 20^{23}–23^{19}

Deuteronomy confirms ($5^{22, 31}$, 6^{1}) the testimony of the earliest source, that only ten words or commands were publicly given to Moses at the mount of revelation. This evidence is important, for it clearly implies that when the original book of Deuteronomy was written the additional laws now associated with Sinai must have stood in a different connection. The suggestion of the learned Dutch scholar, Kuenen, is at least plausible. It is that the editor who assigned the Deuteronomic code to its present position in Israel's history, just before the crossing of the Jordan, did so because this was already the setting of the main collection of primitive laws. The only considerable body of early Hebrew laws of which there is any record is that now found in

Exodus 20^{23}–23^{19}. A position at the close of Moses' career and just before the people passed over the Jordan to enter upon that agricultural life of Canaan, which these laws contemplate, was most appropriate. But in following this ancient precedent for the assignment of the body of the laws of Deuteronomy to this setting, it was impossible for the editor to leave the older enactments there, for the Deuteronomic legislation modifies and in some cases absolutely annuls certain of their commands. Nothing remained, therefore, but to transfer them to the earlier setting and to join them, as now found, with the ten words. This, be it noted, was in perfect harmony with the tendency, traceable from the exile, to associate more and more of Israel's laws with the initial revelation at Sinai. It was, moreover, exactly parallel with the corresponding tendency to attribute all to Moses.

Original unity and independence of the *Judgments* in Exodus 21–22^{20}

The theory that the code in Exodus 20^{23}–23^{19} was transferred from a later setting to its present position by a late prophetic editor, certainly has the advantage of explaining, in a simple and reasonable manner, a great number of most puzzling facts. It may be questioned, however, whether the whole of this composite group of laws or only the major collection of case laws found in 21^{1}–22^{10} was thus transferred. The unity of this group is clearly marked. They all deal with civil and criminal questions. They all employ practically the same formula and are expressed in the third person rather than the second person singular. They are also introduced by the independent superscription: *Now these are the Judgments that thou shalt set before them* (21^{1}). If these *Judgments* were not originally found among Moses' farewell words, they may appropriately have followed the account in Exodus $18^{13\text{-}26}$ of his work as judge, but this hypothesis suggests no sufficient cause for their transfer. Hence, Kuenen's conjecture is still the most probable. Their remarkable unity in form and content, and the presence also of a distinct superscription, leaves little doubt that they once constituted an independent group by themselves, and that they did not originally stand in the midst of the collection of ceremonial and humane laws which they divide into two unequal parts.

Date and origin of the remaining ceremonial and humane laws

The first question to be answered, therefore, is, What were the origin and primary position of the small groups of ceremonial and humane laws which remain ($20^{23\text{-}26}$, 22^{18}–23^{19}) after the *Judgments* have been removed? Some later explanatory and hortatory glosses can be readily recognized (*e. g.*, 22^{21b}, ^{24}, $23^{9b,\ 13,\ 15b}$); but the majority evidently came from an early period in Israel's history. The permission to build altars and offer sacrifices at many different places (Ex. $20^{24\text{-}25}$) suggests either greater antiquity than even Exodus 34^{26}, or else the less restricted usage of Northern Israel. Furthermore, this permission is one of the primitive regulations abrogated by Deuteronomy 12. There is nothing in these groups of laws distinctly pointing to a date later than that of the united Hebrew kingdom. Their vocabulary connects them with the early Ephraimite rather than the Judean narratives. The early prominence of the prophets, the broader and more complex life of the northern kingdom, lead us to expect that there, rather than in little Judah, legal institutions first expanded and found record in detailed written laws.

The ceremonial enactments are but the repetition or expansion of the laws in Exodus 34; laws which are the prototypes of the later and more detailed priestly laws of Leviticus. The humane commands reflect the spirit of the early Ephraimite narratives and embody certain fundamental ethical principles, like those of kindness to the poor and justice toward dependents, which are constantly assumed by Amos and Hosea in their addresses to the Northern Israelites as universally accepted. They represent the early Hebrew formulation of the noble humanitarian ideals that had already been partly incorporated in Hammurabi's code and that were destined later in Israelitish and Christian law to find their fullest and most exalted expression. Their real character

It is a most significant fact that within this rather heterogeneous collection there are found in three groups, which stand by themselves (20^{23}, 22^{29-31}, and 23^{12-19}), practically all of the ten words of the primitive Judean decalogue in Exodus 34. The many and striking variations in order and form furnish conclusive proof that the two decalogues represent distinct versions and not mere scribal transcription from one original. Of course, the exact form and content of the ten words or commands alluded to in Exodus 34^{28b}, and found in the preceding verses of the same chapter, cannot be absolutely determined, since they have been expanded and supplemented by later explanatory notes. Likewise, the initial commands in Exodus 20^{23} have evidently been changed by a later editor; for, under the influence of the obviously later introductory phrase (^{22b}), the prevailing form of address in the second person singular (*thou*) has been changed to the second person plural (*ye*). The frequency of this particular change is illustrated by a comparison of the variations of identical passages in the Greek and Hebrew versions—even where there is no apparent cause (*e. g.*, Ex. $22^{18, 20, 23}$). Conversely, in Exodus 21^{2} the regular formula of the judgments has been changed from the third to the second person singular, because this form is found in the immediately preceding passage. The following table will facilitate the comparison of the two versions of the primitive decalogue; in it the order of the Judean has been followed and the fuller form given. The original *thou* of Exodus 20^{23} has also been restored. The first command has evidently suffered in transmission, for in its present form it reads, *Ye shall not make with me*, and the Greek version represents a futile attempt to correct it. It is exceedingly probable that this command was originally identical with the Judean version. The variant version of the Judean decalogue

Early Judean Prophetic Version	*Early Ephraimite Parallel*
I. **Exodus 34** ^{14}Thou shalt worship no other God, for Jehovah, whose name is Jealous, is a jealous God.	**Exodus 20** ^{23a}Thou shalt make no [other gods] with me (?).
II. ^{17}Thou shalt make thee no molten gods.	**20** ^{23b}Thou shalt make thee no gods of silver or gold.
III. ^{18a}The feast of unleavened bread shalt thou observe: seven days shalt thou eat unleavened bread.	**23** ^{15a}The feast of unleavened bread shalt thou observe: seven days shalt thou eat unleavened bread.

The two variant versions of the primitive decalogue

Early Judean Prophetic Version	*Early Ephraimite Parallel*
IV. 19, 20a, bEvery first-born is mine: even all the male cattle, the first-born of ox and sheep. And the first-born of an ass shalt thou redeem with a lamb; and if thou wilt not redeem it, then thou shalt break its neck. All the first-born of thy sons shalt thou redeem.	**22** 29b, 30The first-born of thy sons shalt thou give to me. Likewise shalt thou do with thy ox and thy sheep; seven days shall it remain with its mother; on the eighth day thou shalt give it to me.
V. 21Six days shalt thou toil, but on the seventh thou shalt rest; in plowing time and harvest thou shalt rest.	**23** 12Six days thou shalt do thy work, but on the seventh thou shalt rest, that thine ox and thine ass may have rest and that the son of thy handmaid and the resident alien may be refreshed.
VI. 22Thou shalt observe the feast of weeks, even of the first-fruits of wheat harvest, and of the ingathering at the end of the year.	16[Thou shalt observe] the feast of harvest, the first-fruits of thy labors, which thou sowest in the field, and the feast of ingathering at the end of the year, when thou gatherest in thy labors from the field.
VII. 25aThou shalt not offer the blood of my sacrifice with leaven.	**23** 18aThou shalt not offer the blood of my sacrifice with leaven.
VIII. 25bThe fat of the feast of the passover shall not be left all night until the morning.	18bThe fat of my feast shall not be left all night until the morning.
IX. 26aThe best of the first-fruits of thy land shalt thou bring to the house of Jehovah thy God.	**22** 29aThou shalt not delay to bring offerings from the abundance of thy harvests and the outflow of thy presses.
X. 26bThou shalt not seethe a kid in its mother's milk.	**23** 19bThou shalt not seethe a kid in its mother's milk.

Significant points of agreement and variation

It is possible that the command in Exodus 34^{20c}, *none shall appear before me empty*, is original. It departs, however, from the prevailing formula; in Exodus 23^{15c} it breaks the connection and is probably a scribal insertion from 34. Its content also strongly suggests that it is a later addition; but, if not such an addition, the eighth command could reasonably be counted as one. Even if this change be adopted, the close correspondence between the two versions is not affected. In four cases (III, VII, VIII, X) this correspondence is absolutely identical; in purport it is complete throughout the ten words. Both the variations and the remarkable points of agreement can be explained only on the hypothesis that they go back to a common original.

It is sometimes claimed that the Ephraimite prophetic narratives had no

decalogue; yet such statements as those in Exodus $24^{3, 12a}$, 31^{18b}, 32^{16} (which belong to the northern history), plainly declare that it, like the early Judean prophetic narratives, at first contained only the laws of the decalogue inscribed on two tablets. Exodus $20^{21, 22a}$ is probably the original Ephraimite introduction to the ten words or brief commands that once immediately followed it, an introduction giving the account of the covenant at Horeb as that account originally stood in the Ephraimite narrative before the additional religious and humane laws were combined with it. Evidence that the Ephraimite narratives contained a decalogue

While it is impossible to determine with absolute certainty the exact form of the original ten words or commands underlying the two early prophetic decalogues, the probabilities all go to show that they antedate the division of the two kingdoms in 937 B.C. In the light of all the evidence obtainable there is good ground for concluding that this original decalogue was promulgated at least as early as the days of the united monarchy. The character of its commands, and their prominence in all later codes, strongly support this comparatively early date. Date of the original decalogue

On the basis of the two variant versions it may be conjecturally restored as follows: Its conjectural restoration

I. Thou shalt worship no other God.

II. Thou shalt make thee no molten gods.

III. The feast of unleavened bread shalt thou observe.

IV. Every first-born is mine.

V. Six days shalt thou toil, but on the seventh thou shalt rest.

VI. Thou shalt observe the feast of weeks and ingathering at the end of the year.

VII. Thou shalt not offer the blood of my sacrifice with leaven.

VIII. The fat of my feast shall not be left until morning.

IX. The best of the first-fruits of thy land shalt thou bring to the house of Jehovah.

X. Thou shalt not seethe a kid in its mother's milk.

Two significant facts should here be noted: first, the persistence of the tradition that this simple primitive decalogue was early inscribed on two tablets of stone; second, the emphasis that is laid upon it in all the different groups of narratives, except the late priestly, which substitutes for it the large body of legislation found in Exodus 26–31, 35–40, and Leviticus. The different prophetic versions only reveal variations that are inevitable when a very early tradition is transmitted through different channels. The early Judean prophetic narratives represent the words as having been written on the tablets by Moses (Ex. $34^{27, 28}$). The early Ephraimite narratives state that the words were inscribed on the two tablets by the finger of God (Ex. 24^{12}, 31^{18b}). The Deuteronomic narrative as usual follows the Ephraimite tradition (Dt. 5^{22}, $9^{9, 10}$). A later Deuteronomic editor, possibly the one who transferred the early Judean decalogue to its present position in Exodus 34, reproduces the contents of that chapter; but at one point he abandons it in favor of the later tradition representing Jehovah himself as writing the words (Dt. 10^{4}). He also adds (possibly following a lost Judean original, or the temple records quoted in I Kgs. 8^{9}) that at Jehovah's command Moses, before going up on Persistence of the tradition of the two tablets

the mount to receive the tablets of the law, prepared an ark of acacia wood, and that when he returned he put them in the ark that he had made (Dt. $10^{2, 3, 5}$).

Elements common to all the earliest narratives

In the light of these facts it seems clear that the original tradition, namely, that the earliest decalogue was written on two tablets of stone, also goes back at least to the early days of the united monarchy, a time when both the North and the South shared it in common. Furthermore, a tradition so persistent must have had an historical basis. The variations can easily be traced to the different narratives in which they appear; but the permanent elements, shared by all versions, are: (1) that the ten words were presented to the people by Moses as Jehovah's prophet; (2) that they were promulgated at the mount of revelation; (3) that they contained the terms of the solemn covenant which bound Israel as a nation to Jehovah; and (4) that they were inscribed on two tablets of stone.

Evidence of an original Mosaic oral decalogue

Of the elements just named the first is exceedingly important, for it represents the genesis of that tendency, which later became so prominent, to attribute the giving of the law to Moses. The second reflects the beginning of that parallel tendency to trace the origin of legal institutions to the beginning of Israel's history, which ultimately led the later editors of the law to associate the great body of the Old Testament legislation with Mount Sinai. As has already been noted, the contents of these commands support the conclusion that at least the majority of them may well come from the time of Moses. In early Hebrew thought Sinai-Horeb long continued to be regarded as the place where Jehovah dwelt and where he could be consulted. The account of Elijah's flight to Horeb is a familiar illustration of this belief (I Kgs. 19^{8-14}). Back of the decalogue in its present versions, anticipating as they do settled agricultural conditions in Canaan, there was probably a more primitive oral decalogue, which came, as the tradition asserts, directly from Moses and the mount of God.

Evidence that there was an early decalogue inscribed on two tablets

The third element, the belief that the ten words embodied the terms of the original covenant which bound Israel as a nation to Jehovah, indicates that when the early variant traditions first took form these ten words or commands were regarded as possessing an absolute and unique authority. It is not too much to say that they represent the first stage in that process of canonization which ultimately gave us the Old Testament. Out of a larger body of traditional laws and institutions these ten commands stood forth invested with overshadowing authority. By following their injunctions the continued protection and favor of Israel's national God was assured. What gave these ten words their commanding position? The fourth permanent element in the tradition suggests the simplest answer. It was because they were actually inscribed on two tablets of stone, and in characters which in time became archaic. It is impossible satisfactorily to explain this early and constantly recurring *motif* in the tradition on any other basis.

Excellent Semitic parallels are found in the Code of Hammurabi and the Marseilles tablet. The second example, although comparatively late, is especially to the point because it reflects a Phœnician, and, therefore, a Canaanite custom. The tablet was set up in a temple and was intended to guide

Date and historical setting of the first written decalogue

the people in the discharge of their religious duty in connection with the ritual (cf. Appendix VIII). The command in Exodus 34^{26a} to bring the best of the first-fruits of the land *to the house of Jehovah thy God* would also seem to indicate that the oldest decalogue was closely connected with a specific sanctuary; a sanctuary which, in the Judean narrative where it is found, could have been none other than Solomon's temple. The testimony of the extract from the temple records found in I Kings 8^{9} also connects the original ten words with the ark and Solomon's temple. Tradition, resting probably on an ultimate basis of fact, assigns their origin to Moses and the mount of revelation; but the varied historical data, as well as the needs of the situation and the spirit of the age, suggest that the primitive ten words were not put in written form until the reign of Solomon and in connection with the royal sanctuary reared by him. The decalogue form indicates that they were at first simply inscribed on the popular memory.

Distinct forms of the civil and ceremonial laws

A careful study of Exodus 20^{23}–23^{19} demonstrates, after two or three obvious scribal errors have been corrected (*e. g.*, 20^{23}, 21^{2} and 22^{18}, where the Hebrew should be translated, *a sorceress shall not live*), that the religious and humane laws are practically always cast in the form of a direct address in the second person singular (*thou*), and that the civil and criminal laws, where a definite penalty is imposed, are always, as in the corresponding Code of Hammurabi, cast in the form of case law and employ the third person, never the second person singular (*If a man do so and so, such shall be the penalty*). The same distinction reappears in the older laws preserved in Deuteronomy, although that code, assuming as a whole the prophetic point of view, uses *thou* prevailingly. The care with which this distinction is maintained is illustrated by Exodus 21^{14}, *And if a man attack another maliciously, to slay him by treachery; thou shalt take him from mine altar, that he may be put to death.* The mention of the altar introduces the religious *motif* with the result that the corresponding *thou* is employed.

Origin of these distinct forms

The fundamental reason is probably because the appeal in the one case is directly to the individual conscience, and a penalty is rarely imposed; while in the other, the fear of punishment is the *motif*, and the specific laws are intended for the guidance of judges as well as the people. The civil and criminal laws also go back to earlier decisions and precedents as the ultimate basis of their authority, and aim simply to formulate and fix customs already largely in force. Here too, the indirect influence of Hammurabi's epoch-making code may perhaps be recognized in determining the form of the early Hebrew civil laws. It is in this connection significant that the superscription to the oldest Hebrew group (21^{1}–22^{20}) is but a variant of the title *Judgments of Righteousness* which Hammurabi gave to his collection of case laws. On the other hand, the direct address (*thou*) is alone employed in the religious and humane laws, probably because each command in the earliest decalogue was first given by a priest or prophet as divine *torah*, and in response to a specific question presented by an individual; or else, as the traditions imply, because the first group of commands was addressed by Moses, speaking in the name of Jehovah, directly to the nation collectively.

The distinct form and classification of the civil and the religious laws in

Origin and classification of the case laws or judgments

the earliest collection indicate that, as among the Babylonians, these two great departments of Israel's laws originally grew up independently. Side by side with the ceremonial decalogues, which were in time supplemented and expanded, the judgments or case laws were taking form. The early Ephraimite prophetic tradition in Exodus $18^{12\text{-}26}$ associates their beginning with Moses. The *Judgments* in Exodus 21^{1}–22^{20} are the earliest written evidences of the growth of criminal and civil laws. By their use of the word *Elohim* instead of Jehovah ($21^{6,\ 13}$, $22^{8,\ 11}$), and by other linguistic marks, the *Judgments* reveal their relationship with the Ephraimite group of narratives. With this strand they are also connected in their present setting.

Evidences of their date and history

Their setting, however, gives little aid in determining their date, for, as has been noted, they have been placed in their present position by some later editor of the book of Exodus. The laws themselves furnish the only real answer to the question of their date. Many of them may come from Moses, others assume the settled agricultural conditions to which the Hebrews did not attain until after they entered Canaan (*e. g.*, $22^{5,\ 6}$). But Hebrew society is still primitive; there are no central courts of appeal; a decision can be secured at any one of the shrines or sanctuaries which the Israelites inherited from the Canaanites (Ex. $22^{8,\ 9}$); wealth consists of produce and cattle; the *lex talionis* is still prominent, though the more civilized principle of compensation is being introduced. There is, indeed, no reason for doubting that the majority, if not all, of these laws were in force in Israel as early as the days of David and Solomon. Their early date is also confirmed by the central place that is assigned to them in all later civil legislation. These facts, however, do not necessarily imply that they were committed to writing at this early time. If Kuenen's conjecture be correct, they were introduced into the Ephraimite narratives (about 750 B.C.) in connection with Moses' farewell. Their remarkable unity (cf. p. 18) also suggests that they were possibly once current as an independent law book. This conclusion would explain, further, why they have retained their unity, though introduced into the midst of distinctly different laws. Possibly they were not associated with the Pentateuch until assigned to their present position by a late editor. The indications, both of form and content, strongly indicate they must have been formulated long before 750 B.C.

Comparison of the Hebrew code with that of Hammurabi

The remarkable correspondence between many of these individual laws and those of Hammurabi, favors the conclusion that the principles underlying them, if not the detailed contents and form, were in part derived from the older code through the Canaanites. They deal with similar questions and assume very much the same social conditions. Out of the forty-five or fifty judgments at least thirty-five have points of contact with the laws of Hammurabi, and fully half are in part parallel. The variations are in most cases traceable to the different spirit and circumstances of the two peoples from whom they come. Thus, for example, there are great differences in the penalties imposed. As a rule the older code, which comes from a populous commercial nation, is much more severe in punishing any infringement of the rights of property; while the Hebrew laws, coming from a people whose

numbers were comparatively small, are more strenuous in protecting human life. The penalty for stealing an ox in the Hebrew code is five oxen (Ex. 22^{1}), but in Hammurabi's code thirty, or if the owner was a poor man, tenfold its value (§ 8). In general the same just and humane spirit is reflected in both systems, and the variations are those of degree rather than kind. The old law of *an eye for an eye and a tooth for a tooth*, however, still figures prominently in both. In the older code slaves for debt were to be set free at the end of three years instead of six (Ex. 21^{2}); under the Babylonian laws daughters had the right of inheritance, a right which was not granted to them in Israel until a much later period; the rights of widows also are more carefully guarded in the older code. On the whole, the Babylonian laws appear to reflect a much more highly developed stage of civilization; and this conclusion also favors the early dating of the Hebrew code.

Significance of the points of agreement and variation

The points of close agreement are many. Especially is this true of the laws of deposit (cf. Ex. 22^{7-12} and Hammurabi's code §§ 9–11, 120, 124–26), the punishment of kidnapping (cf. Ex. 21^{16} and H. C. § 14), of injury to a pregnant woman (cf. Ex. 21^{22-25} and H. C. §§ 209–14), of sorcery (cf. Ex. 22^{18} and H. C. §§ 1, 2), and the responsibility of shepherds (cf. Ex. 22^{10-13} and H. C. § 266). That the later Hebrew code owes much to the older system seems probable, for the atmosphere in which the former developed was surcharged with Babylonian legal ideas; yet the points of variation are so many and so significant that the originality and individuality of the Old Testament code do not need demonstration.

Comparative completeness of the Hebrew code

Both codes seek only to guard against crimes and to anticipate the more common cases of dispute, and thus to establish principles and precedents to guide judges in deciding similar questions. Where a customary usage is fixed, it is often assumed and not restated. Much was necessarily left to the discretion of judges. A study of the Hebrew code in the light of the needs of early Hebrew society, leads to the conclusion that it is not a fragment of a large code, but that the early code, with the probable exception of five laws, is preserved in its original and complete form.

The few later additions to it

Furthermore, the civil code, unlike the corresponding ceremonial and humane laws in Leviticus, Numbers, and Deuteronomy, has received only a few later supplemental additions. These can readily be recognized. The penalty to be visited upon a son who reviles his father (21^{17}) was probably added by a scribe who was reminded of this law in Leviticus 20^{9} by the very similar enactment in ^{15}. This, first written in the margin, has later been awkwardly introduced into the text in the midst of a group of laws dealing simply with assault. Similarly, Exodus 21^{26} contemplates the same crime and is clearly the immediate sequel of $^{20,\ 21}$. The primitive laws in $^{22-25}$, which introduce a new subject, may well have been added by an early editor familiar with the corresponding Babylonian and Assyrian usage. The Greek translators recognized the difficulty, but failed to eliminate it. Exodus $22^{2,\ 3}$ is evidently also an early gloss, for it separates verse ^{1} from its complement ^{4} and contains a different, although kindred, law. Furthermore $^{2,\ 3}$ assume that the thief is killed, while ^{4} provides for his punishment in case the thing stolen is still in his possession.

Earlier attempts to recover the original decalogues and pentads

During the first part of the last century the German scholar Bertheau* detected the presence of decads in this primitive code, although he failed to recognize the unity of each. Professors Ewald, Dillmann, and especially Professor Briggs,† traced these groups of ten still further; Briggs also recognized the recurrence of the minor unit five. Professor Paton,‡ by pointing out the secondary passages which had led preceding scholars astray, and by vigorously insisting on the principle that each decad contains only laws bearing on closely related topics, succeeded in restoring four complete decalogues in this code and pointed out several more in the ceremonial and humane sections of Exodus 20^{23}–23^{19}. Professor Paton also called attention to the fact that the law in Deuteronomy $22^{28, 29}$ is identical with that in Exodus 22^{16}, and that it is preceded (Dt. $22^{10\text{-}19, 20\text{-}21, 22, 23\text{-}24, 25\text{-}27}$) by a pentad of what appear to be primitive laws, all of which relate to social purity and join naturally with the corresponding pentad in Exodus $22^{16, 17, 18, 19, 20}$, thus restoring a fifth decalogue. That Deuteronomy is based on the primitive codes, and that it contains certain early laws not found in the older collections, are facts now generally recognized. The assumption, therefore, that Deuteronomy has here preserved a pentad of laws, originally found in the primitive code, but removed by some editor or scribe to whose moral sense they were repugnant, is exceedingly probable.

Evidence that Exodus $22^{16\text{-}20}$ belongs with the original judgments

Although the pentad regarding social purity (Ex. $22^{16\text{-}20}$) has, hitherto, been in part assigned by scholars to the group of religious laws, it is clear that it all belongs to the collection of judgments. The form is the same; the *thou* of the current translations of ^{18} is evidently due to a mistake. Hammurabi in his civil code (§§ 1, 2) provides for the punishment of sorcerers. Even the law against sacrificing to an alien god was classified by the Hebrew lawgivers among the enactments relating to social purity (Lev. 17^{7}, Dt. 31^{16}). In Leviticus 18^{21} the prohibition of sacrifice to Moloch or Milk is found between the laws against adultery and sodomy.

In the light of these facts it is now possible to distinguish the pentad of decalogues which probably constituted the original collection of judgments. The following analyses will indicate their contents as well as the nature of the code as a whole: §

JUDGMENTS

Analysis of the civil and criminal laws

First Decalogue : The Rights of Slaves

First Pentad: Males, Exodus $21^{2, 3a, 3b, 4, 5\text{-}6}$.
Second Pentad: Females, $21^{7, 8, 9, 10, 11}$.

Second Decalogue : Assaults

First Pentad: Capital Offences, $21^{12, 13, 14, 15, 16}$.
Second Pentad: Minor Offences, $21^{18\text{-}19, 20, 21, 26, 27}$.

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* *Die sieben Gruppen mosäischer Gesetze in den mittleren Büchern des Pentateuchs*, 1840.
† *Higher Criticism of the Hexateuch*, pp. 211 ff.
‡ *Journal of the Society of Biblical Literature and Exegesis*, 1893, pp. 79–93.
§ For these laws arranged in their grouping, cf. Appendix II.

Third Decalogue : Laws Regarding Domestic Animals

First Pentad: Injuries by Animals, $21^{28, 29, 30, 31, 32}$.
Second Pentad: Injuries to Animals, $21^{33-34, 35, 36}$, $22^{1, 4}$.

Fourth Decalogue : Responsibility for Property

First Pentad: In General, $22^{5, 6, 7, 8, 9}$.
Second Pentad: In Cattle, $22^{10-11, 13, 14, 15a, 15b}$.

Fifth Decalogue : Social Purity

First Pentad: Adultery, Deuteronomy $22^{13-19, 20-21, 22, 23-24, 25-27}$.
Second Pentad: Fornication and Apostasy, Exodus $22^{16, 17, 18, 19, 20}$.

Principle of classification

As in the Code of Hammurabi, a serious attempt at systematic classification is here apparent. The general order is: the rights of persons, the rights of property, and the rights of society. Within each decalogue there is evidence also of careful grouping. Each pentad is a unit by itself. Whence this surprising order which is lacking in so many other parts of the Old Testament? It may be due to the powerful influence of the older Babylonian code, or it may simply reflect the tendency of the legal mind.

The four ceremonial and humane decalogues

The ceremonial and humane laws found in 20^{23-26} and 22^{21}–23^{19}, although evidently somewhat disarranged, still reveal unmistakable traces of a similar grouping in decalogues and pentads. The disarrangement, as a rule, does not affect the unity of the pentads. It should be expected, however, that the powerful example of the early decalogue (cf. Ex. 34) would affect the form of the kindred group of the religious even more than the civil laws where its influence has already been traced. The indications favor the conclusion that the primitive decalogue of Exodus 34 gradually developed in Northern Israel into four corresponding decalogues. At present Exodus 20^{23-26}, 22^{21}–23^{19} contain only seven complete pentads, and $23^{4, 5}$, which separate the kindred laws of 23^{1-3} and $^{6-9}$, two commands of an eighth. The remaining three of the pentads are to be found in Deuteronomy 22^{1-7}, which in verses $^{1, 3}$ reproduce Exodus $23^{4, 5}$ word for word, only substituting *brother* for *enemy*. The two commands in Deuteronomy $22^{2, 3}$ are the immediate sequel of ^{1}; and the remaining command, $^{6, 7}$, which enjoins kindness to birds, is evidently primitive and belongs with this cycle of laws.

Exodus 23^{9} is a scribal duplicate of 22^{21}. Rejecting the minor editorial additions, which are readily recognized, the following decalogues appear:

CEREMONIAL AND HUMANE LAWS

Analysis of the ceremonial and humane laws

First Decalogue : Kindness

First Pentad: Toward Men, Exodus $22^{21a, 22-23, 25a, 25b, 26-27}$.
Second Pentad: Toward Animals, Exodus 23^{4} [Deuteronomy 22^{1}], $22^{2, 3}$, Exodus 23^{5} [Deuteronomy 22^{4}], 22^{6-7}.

Second Decalogue : Justice

First Pentad: Among Equals, Exodus $23^{1a, 1b, 2a, 2b, 3}$.
Second Pentad: On the Part of Those in Authority, $23^{6, 7a, 7b, 7c, 8}$.

Third Decalogue : Duties to God

First Pentad: Worship, Exodus $20^{23a, 23b, 24, 25, 26}$.
Second Pentad: Loyalty, Exodus $22^{28, 29a, 29b, 30, 31}$.

Fourth Decalogue : Sacred Seasons

First Pentad: Command to Observe them, Exodus $23^{10-11, 12, 15a, 16a, 16b}$.
Second Pentad: Method of Observing them, Exodus $23^{17, 18a, 18b, 19a, 19b}$.

Original order and extent of these decalogues

These decalogues have been so disarranged that it is impossible to determine with assurance their original order. If they followed the *Judgments*, they probably began with duties to men and led up to duties to God. If the prophetic decalogue of Exodus 20 (Dt. 5) is an index, the original order was the reverse. Possibly the influence of this prophetic decalogue, which was esteemed so highly, explains the transfer of the decalogue regarding duties to God; so that one pentad precedes the *Judgments* and the other pentad precedes the decalogue concerning justice to one's fellow-men. The remarkable symmetry discernible in the grouping of these laws, leads us to expect another decalogue; such a decalogue as would make complete the pentad of decalogues in the group of religious and humane laws corresponding to that of the *Judgments*. The later grouping of the law in the five books of the Pentateuch, the five divisions of the Psalter, and the apparently five-fold grouping in the original Matthew's collection of the Sayings of Jesus are but a few of the many analogies that might be cited. A fifth ceremonial or humane decalogue might be found in Deuteronomy, but the attempt to define it without any guides would be precarious.

The decalogue of Exodus 20^{1-17}

It is an interesting fact that a fifth religious decalogue is now found in the same context, and is none other than the familiar prophetic decalogue of Exodus 20^{1-17}. In its present arrangement the so-called *Greater Book of the Covenant* (Ex. 20–24), with the additions from Deuteronomy, consists of exactly ten decalogues. In the initial decalogue of Exodus 20 the same division into pentads is also apparent; the first laws concerning duties to God and parents, the second concerning duties to one's fellow-men.

Parallels to this decalogue

In addition to those already noted (p. 17) there are, however, serious difficulties involved in regarding this decalogue as originally associated with the primitive codes. Its first and second commands seem to be a briefer and more advanced version of the two laws in 20^{23}. The prototype of the third is perhaps to be found in 22^{28}, *Thou shalt not revile God.* The fourth is a duplicate of 23^{12}, *Six days thou shalt do thy work, but on the seventh thou shalt rest.* The fifth, sixth, seventh, and eighth are briefer, more emphatic, statements of the principles underlying the criminal laws of Exodus 22^{15-27}, $22^{13, 16}$; the ninth is but a restatement of the law in 23^{1}.

The original version and its date

The history of this noblest of decalogues must forever remain shrouded in mystery. Without any close connection with its context, it stands, as we have seen, alone. It is, indeed, a practical duplicate of the decalogue in Deuteronomy 5; the variations in the form of the original words of the fourth and tenth commandments, and the fact that a distinct and variant group of explanatory and hortatory glosses has grown up about many of the original

words (as for example, *Thou shalt not make unto thee a graven image*) indicate that each decalogue has had an independent history. At the same time it is clear that both versions go back to a common original. In the fourth command the Deuteronomic version employs the more primitive word *observe* (cf. Ex. 34^{22}), and the tenth command, that which forbids coveting a neighbor's *wife* (Dt. 5^{21a}), suggests an earlier stage of society than the corresponding *house* of Exodus 20^{17}, which implies that the Hebrews are settled in Canaan; so that, on the whole, Deuteronomy 5 seems to represent the older original. The prominent position of this decalogue in Deuteronomy indicates, however, that it is older than its setting; how much older can never be determined. Internal evidence does not assign it as a whole to a period earlier than the latter part of the eighth century, a time when the influence of the prophets of ethical righteousness was beginning to be felt in Israel, and all use of images in worship was viewed with disfavor by the most enlightened leaders. Possibly it represents the briefer Judean version of the fuller and yet parallel Northern Israelitish decalogues in Exodus 20^{23}–23^{19}. Its present form may simply be due to prophetic revision; its basis is perhaps a very brief popular decalogue, intended for the guidance of the people in their daily relations; while the decalogue in Exodus 34 defined their duties in connection with the ritual and the sanctuary. It is important to note that, with the exception of the second, and possibly the tenth command, there is nothing in the decalogue of Deuteronomy 5 (Ex. 20) fundamentally inconsistent with the conclusion that it came, in its original and simplest form, from Moses himself.

Origin of the decalogue form

In view of all these facts, and aided by means of analogy and imagination, it is possible to construct an approximate history of the growth of Israel's primitive codes. Why the decalogue, from the first and far down into Hebrew history, was the prevailing form into which all laws and precepts were cast, finds its simplest and perhaps most satisfactory explanation in the obvious fact that every normal man from earliest childhood has two hands with five fingers on each. These ten fingers are ever present and suggestive aids to the memory not only of children, but of men as well. If this be the true explanation, a system so simple and yet so effective, is worthy of a genius like that of Moses. There is no reason for doubting that through Israel's first great prophet there was transmitted a primitive decalogue—and possibly several—which defined in ten brief sentences the nation's obligations to its God. It is probable that these ten words were not originally inscribed on two tablets of stone by the finger of Jehovah, but upon the memory of each individual Israelite by association with the fingers of his two hands. In time the ceremonial decalogue, adapted to the new agricultural civilization and to the changed conditions and customs which the Israelites found in Canaan, was inscribed on two tablets of stone, and perhaps at first set up in the temple of Solomon. Naturally, after the division of the Hebrew kingdom, the Judean historians preserved the more exact version of it.

As new ideals dawned upon the consciousness of the race, this primitive decalogue was supplemented, and became, especially in the North, the nucleus about which grew up a much larger body of ceremonial and humane enact-

Growth of new laws and decalogues

ments. All these laws were modelled after the older original, and hence were expressed in the form of a direct personal command (*thou*). Side by side with the memory that Moses was the author of the original ten words, was treasured the tradition that Jehovah's commands were cast in the form of decalogues and pentads. Possibly the priests in this effective way originally impressed the new enactments upon the minds of the people. As new needs arose and new standards were adopted, the priests could easily supplement the older laws by additional decalogues and pentads.

Development of corresponding civil and criminal decalogues

Meantime the demands of the settled agricultural life had made necessary a corresponding group of civil and criminal laws. The customs of the agricultural Canaanites, the inheritors of the older Babylonian laws, were adapted to these new needs and were doubtless, in modified form, largely adopted by the Hebrews. When originally promulgated as a brief code, they were probably grouped in decalogues and pentads. If our explanation be correct, this form was intended primarily to aid the memory, and may be regarded as clear proof, therefore, that these laws, like the corresponding ceremonial group, were probably at first transmitted orally. This fact, then, would explain why all these primitive codes are cast in what at first glance seems to be a very artificial mould. The necessity of conforming to this mould would also explain why some subjects, which are passed over briefly in the Code of Hammurabi—as, for example, injuries by animals (cf. H. C. §§ 250–52 and Ex. 21^{28-32})—are expanded into five laws, while others, as for example the laws regarding property (Ex. 22^{5-15}), though deserving more detailed treatment, are accorded only the same space.

Approximate dates of the primitive codes

It is also probable that the Northern Israelitish school of prophetic historians first committed these civil decalogues to writing. Possibly, as Kuenen has urged, they associated them with Moses' farewell words. Just when they were introduced into the midst of the ceremonial decalogues is not clear; possibly it was the work of the late prophetic editor who substituted the decalogue of Exodus 20^{1-17} and transferred the original Judean decalogue to its present position. At least it is probable that the majority of the laws found in Exodus 20^{23}–23^{19} and 34, were in force as early as the days of the united Hebrew kingdom; and that the five civil and criminal decalogues, and the four surviving ceremonial and humane decalogues, were to be found in written form by the eighth century B.C. These represent, therefore, the growth of Israel's laws and institutions from that early period, about 1150 to about 750 B.C., when Amos and Hosea and Isaiah appeared as the heralds of a new era in the political and religious life of the Hebrew race. To distinguish them from the legal systems of later periods, these oldest collections of laws may as a whole be appropriately designated as the *Primitive Codes;* for they record, in concrete form, the earliest revelation of the Divine will through the life and institutions of the ancient Israelites.

IV

THE DEUTERONOMIC CODES

Influences that produced the new codes

THE appearance of Assyrian armies in Palestine about the middle of the eighth century and the resulting conquest of both Northern and Southern Israel, not only destroyed the simplicity of early Hebrew life, but also introduced new conditions and problems. Assyrian ideas and religious institutions threatened to supplant completely the more austere worship of Jehovah. It was the series of grave crises arising from this changed state of affairs that called forth the first, and in many ways the noblest, group of Israel's prophets, Amos, Hosea, Isaiah and Micah. Their teachings established new ethical and religious standards in Israel. New needs, new conditions and new ideals, therefore, made a recasting of the old primitive codes a necessity. Fortunately the theory and character of Israelitish law made the needed revision possible.

Fruitage of the work of the earlier prophets

The prophet Isaiah, discouraged by faithlessness and apathy, turned from the nobles and people to a little group of devoted disciples in whom he saw the earnest of an ultimate acceptance of his teachings by the nation. *I will preserve the revelation and seal up the instruction among my disciples*, were the words that he uttered, words full of promise for the future (Is. 8^{16}). The reactionary reign of Manasseh silenced the lips of the prophets. For forty or fifty years after the death of Isaiah, the old Canaanitish cults and especially the newly introduced Assyrian religion, commanded the devotion of the people of Judah and led them to forget almost entirely the exalted ethical teachings of the group of prophets who had followed Amos. The reaction, however, disclosed the crying needs of the situation; and these needs led the disciples of the true prophets to devote themselves to the formulation of the vital principles of their masters in laws so definite that the most obtuse could understand and apply them to the details of every-day thought and life. The noble results of the activity of these disciples are recorded in the book of Deuteronomy.

Their spirit prophetic and popular

The spirit of this wonderful book is prophetic rather than priestly. The emphasis is placed on deeds and spirit rather than ceremonial. Worship is important only as it is an expression of an attitude of loyalty to Jehovah. Little is said about the ritual; and the prophet figures more prominently than the priest (cf. 18). Love to God, love to man, kindness to the needy and oppressed, and even to animals, are the dominant notes in the book. The appeal is not so much to fear of punishment as to the conscience of the individual. The exact penalty for a given crime is often left to the judge. The omission of all technical data and the popular form of the enactments indicate that this book was intended for the guidance of the people rather than of judges or priests. The whole is presented in the form of a farewell address in the mouth of

Moses. In him, as their first great representative, the prophets are made to rise above the temporal and local conditions that called them forth, and to proclaim, with divine authority and in specific terms, the principles, humane, political, social, ethical and religious that underlay all their teachings.

Their relation to earlier codes

Yet the codes of Deuteronomy do not represent a break with Israel's earlier legal traditions; they are, rather, a natural evolution. Three-fourths of the laws found in the previous codes are represented in Deuteronomy. Those which were omitted (found in Ex. 21^{18}–$22^{25, 28, 29b}$) were of interest only to judges when imposing penalties for specific crimes; and they did not, therefore, conserve the popular aim of the book of Deuteronomy. Although most of the earlier laws are reproduced in spirit, very few are quoted verbatim (cf. Ex. 34^{26b}, 23^{19b} and Dt. 14^{21c}). The days of a slavish worship of the letter of the law are, evidently, still in the future. Usually the purport of the primitive laws is reproduced in the peculiar language of the Deuteronomic writers, fully supplemented by explanations and exhortations (cf. *e. g.*, Ex. 21^{2-7} and Dt. 19^{1-13}). Often the usage represented by the earlier codes is modified or entirely abrogated. Thus the law of Exodus 20^{24-26}, a law recognizing as perfectly legitimate the many altars scattered throughout ancient Israel, is annulled by the commands of Deuteronomy 12^{1-28}, $16^{5, 6}$ that declare illegal every sacrifice performed outside of Jerusalem.

Sources of the principles underlying Deuteronomy

In most instances the reasons for the new rulings can be traced either to the changed political and social conditions or to the teachings of some earlier prophet. Hence an endeavor to guard against a heathen reaction like that in the days of Manasseh, made it possible, after the fall of Samaria, to centralize all worship in Jerusalem. Amos and Hosea regarded the local shrines of Palestine with little favor (Am. 5^5, 7^9, Hos. 4^{13}). The lofty ideals of justice and social righteousness that permeate the book of Deuteronomy, are clearly traceable to the sermons of Amos and Isaiah; and its distinctive spirit, that of love to God and man, is the clear reflection of the central doctrine of Hosea. It was this epoch-making prophet, Hosea, who declared that the worship of heathen gods and the practising of heathen rites was whoredom, treason to Jehovah, and the cause of the nation's undoing. He demanded nothing less than that his people *love Jehovah with all their heart and with all their soul, and with all their might.*

Moses' relation to the Deuteronomic codes

The assignment by the later editors of Deuteronomy of all the laws of this noble prophetic law-book to Moses, is singularly appropriate. The public address was the characteristic prophetic method of presenting truth. This is illustrated not only by the so-called oral prophecies but also by the prophetic histories, wherein long speeches containing the doctrines of their late prophetic editors, are put in the mouths of Moses, Joshua, Samuel and David. Indeed this literary form is common in all literature, especially in ancient writings (cf. Vol. II, p. 4). Israelitish history and tradition also united in attributing all primitive laws to the master-mind that first moulded the race. These laws furnished the foundation of the new codes. Not to have acknowledged the supreme debt to Moses would have been unwarranted. It is but fair to say that they represent what the great prophet would have taught had he been confronted by the later needs and stood in the light of later revela-

tion. Through all the laws, early and late alike, the same God was making known his will to men. It mattered little who was his spokesman; the laws themselves bore on their face the credentials of their divine origin.

Evidence that Deuteronomy is later than the primitive codes

The evidence that the mass of the laws in Deuteronomy are a century or two later than those of the primitive codes, is cumulative and conclusive. Kingship, as well as prophecy, has become an important element in the state (17^{14-20}). The crimes of such rulers as Solomon and Ahab are evidently in the mind of the prophet lawgivers ($16, 17$). A supreme court at Jerusalem has been established (17^{8-13}). Not only the many shrines but also the sacred pillars and asherahs (consecrated tree-poles), which were countenanced in the early prophetic narratives and tolerated without protest from the prophets far down into the Assyrian period, are placed under the ban (12^{3}, 16^{22}). Many other heathen institutions that flourished during the reigns of Ahaz and Manasseh, are also strictly forbidden (17^{3-5}). The Babylonian exile, be it said, casts its dark shadow across certain pages of Deuteronomy (*e. g.*, 4^{25-29}). The marks of that period are distinctive; the peculiar language and ideas of Deuteronomy are closely related to those of Jeremiah and the disciples who edited his book of prophecies.

Date of the original edition

The evidence regarding the date of the Deuteronomic laws all points to the latter part of the seventh century. The evils of the reign of Manasseh have become patent; and the prophetic lawgivers take up the task of guarding Israel against them for all future time. The spirit of the books as a whole is decidedly hopeful. Its authors seem to contemplate not the distant but the immediate possibility of reform. The rigorous enactments regarding the punishment of the devotees of the ancient heathen cults, strongly suggest the spirit of the early reformers under Josiah, rather than the dark, reactionary reign of Manasseh. From beginning to end it is essentially a reform book. It seems probable, though the question can never be absolutely decided, that the original edition of Deuteronomy was completed somewhere between the beginning of Josiah's reign in 639 and the great reform in 621 B.C., rather than in the days of Manasseh or earlier, as has been sometimes urged.

Evidence that it was the basis of Josiah's reforms

That this was the *Book of the Covenant*, found, according to II Kings 22, by Hilkiah the priest while conducting repairs in the temple, has been recognized by scholars since the days of Jerome. The reforms, instituted by the king after the newly discovered law-book had been verified by the prophetic order, and publicly read and promulgated by him, are in perfect accord with the demands of Deuteronomy. All the symbols of the heathen cults were first cast out of the temple and destroyed (cf. Dt. 12^{3}, 17^{3}). All the high places, their altars, and the sacred pillars, were broken down; the asherahs were hewn in pieces (Dt. 12). Necromancy and witchcraft were suppressed (Dt. 18^{11}). Practically every recorded act in that great reformation is in accord with a specific command of Deuteronomy. Henceforth until the days of Nehemiah and Ezra the life of the Jews of Palestine was regulated by this wonderful law-book.

Aside from the later introductions in 1–4, and the farewell speeches, exhortations, and blessings (cf. Vol. I, p. 42), the book of Deuteronomy consists

Analysis of the laws of Deuteronomy

of seven rather loosely defined groups of laws. These are found in the distinctively legal sections, 5–26. The first includes the prophetic decalogue, 5^{6-21}, and is followed by a series of exhortations based on the first command. The second group, 12^{1}–17^{7}, consists of ceremonial and religious laws. The third, 17^{8}–18^{22}, describes the appointment and duties of the officials —the judges, the king, the priests and the prophets—in the theocracy. In the fourth, 19, is found a collection of criminal laws. With this group is associated, by community of subject, the law in 21^{1-9} regarding the expiation of an untraced murder. The fifth group, 20, 21^{10-14}, consists of military laws to be observed in case of war. The sixth, 21^{15}–25^{19}, includes a miscellaneous collection of civil, criminal, humane, and religious laws. No systematic principle of classification is here apparent. Many of these laws are closely related to those found in the other groups. They seem to represent the result of compilation, and to be a series of supplements added to the preceding collections. The seventh group, 26, relates to the presentation of the first-fruits and the triennial tithe.

Lack of logical arrangement

The laws of Deuteronomy are in general characterized by lack of logical order and arrangement, though, compared with the primitive codes, there is evidence of an attempt at classification. Except in the commands of 5^{6-21}, and in a few citations from earlier collections (*e. g.*, $22^{1-4,\ 13-30}$), the system of grouping in decalogues and pentads has been abandoned; a fact probably due to the authors' expectation that their laws would be promulgated not in oral but in written form.

Evidences that the laws come from a school of writers

It is obvious, also, that the book of Deuteronomy does not consist of one code coming from the same hand; for it bears all the marks of a collection of minor codes which have been gradually brought together into their present relations. The same subjects are treated in widely separated sections; and, conversely, entirely disconnected themes are brought into close connection. In addition to the primitive enactments of Exodus 20–23, many other earlier laws have evidently been utilized as the basis of these revised codes. These, as a rule, can readily be recognized by their more primitive form and content (cf. 22). Yet so homogeneous are the phraseology, spirit, and purpose which characterize all the different codes that they establish the underlying unity of the book as a whole. This is more marked and significant than the evidence for different groups of laws from widely different dates. That the different collections or codes are the work of the same school of writers, who from time to time expanded and supplemented the original nucleus of laws, seems to be the true explanation of the repetitions and minor variations in language and point of view.

The original Book of the Covenant

Both the peculiar structure of the book of Deuteronomy and the report of Josiah's reformation in II Kings 22, favor the conclusion that the original Book of the Covenant, the basis alike of Deuteronomy and of the initial reforms, is represented by chapters 12–19 and 26. With this nucleus was probably associated from the first the original form of the blessings and curses in 28. These sections contain all the regulations which are reported to have been enforced by the reformers.

To make the new code the comprehensive law-book of the realm, the mis-

cellaneous groups of laws in 20–25 were doubtless early added. Then, with the same aim, and by the same school of prophetic reformers, the decalogue and exhortations in 5–11 were later joined. The provisions in 27 for the public promulgation and enforcement of the law appear to belong to a later stratum of the book. The entire legal section (5–28), however, was in the present form probably complete, or nearly so, before the Babylonian exile. Its codes, therefore, represent the development of Israel's law under the influence of the great prophetic preachers and editors who lived and worked between 750 and 600 B.C. To distinguish them from the earlier primitive codes on the one side, and the later development of Israel's law on the other, they may appropriately be designated as the *Deuteronomic* or *Prophetic Codes* (technically represented by D). In them is found a large proportion of the noblest and most enduring legislation in the Old Testament.

Completion of the prophetic law-book

V

EZEKIEL AND THE HOLINESS CODE

The tendencies in the exile to develop written codes

THE promulgation of the Deuteronomic codes marked the beginning of the reign of the written law. Before that date oral laws and customs sufficed almost entirely for the needs of the people; but henceforth the authority of the written law steadily increased until it ultimately overshadowed *the word of the prophet and the counsel of the wise*. To this tendency the revolutionary experiences of the Babylonian exile gave a powerful impetus. The new conditions amid which the survivors of the Jewish race found themselves, suddenly transformed them into a literary people (cf. p. 13). Upon the work of the scribe depended the preservation of their laws and institutions; and closely bound up with these was the future of the race. The exile also gave its religious leaders new points of view and the changed conditions made new laws necessary. Deuteronomy contained few ceremonial laws; but in the minds of the exiled priests in Babylon the ritual occupied the position of commanding importance. Hence they proceeded to record the customary usages of the destroyed temple, to improve upon these where improvement was necessary and feasible, and thus to develop codes adapted to the needs of that restored Jewish community which was the object of their dreams.

Ezekiel's activity as a code-maker

The prophet Ezekiel clearly illustrates this tendency. Born a priest, probably trained at the temple and familiar with its institutions as well as with the recently promulgated Deuteronomic codes, he, together with other Jewish priests and nobles, was carried captive to Babylonia in 597 B.C. The first period of his residence in captivity was devoted to the work of preaching; but in 572 B.C., near the close of his ministry, he prepared the remarkable programme or code found in chapters 40–48 of his book. It is in the form of a detailed vision of the restored community and temple. Chapters 40–43 describe the new sanctuary on Mount Zion, 44–46 the ordinances to be observed in connection with it, while 47 and 48 give a picturesque account of the rehabilitation and allotment of the land of Israel.

His new and revolutionizing regulations

Many of the measurements and ceremonial laws of this code are undoubtedly reproductions of those of the pre-exilic temple, an institution with which Ezekiel was personally acquainted. He does not hesitate, however, to introduce entirely new regulations. The temple slaves of alien blood, who had formerly ministered at the sanctuary, are forever excluded ($44^{7,8}$). Also the Levites, the descendants of the priests of the local shrines outside Jerusalem, who, according to Deuteronomy $18^{7,8}$ were allowed to officiate at the temple, were now excluded from this privilege (44^{13}) and assigned to the menial duties hitherto performed by the temple slaves. Only the sons of Zadok were permitted to approach Jehovah's altar and to offer sacrifices to him. Thus

Ezekiel for the first time establishes that sharp distinction between priest and Levite which was soon universally accepted; but in his code the high priest is simply the head of the priesthood and is not yet clad in special garments and invested with supreme authority as the civil and spiritual head of the community. Instead of the later elaborate ceremonial of the day of atonement on the tenth of the seventh month (Nu. 29^{7-11}), Ezekiel ordains that twice each year—at the beginning of the first and sixth months—a rite of atonement be observed, but with a very different and much simpler sacrificial formula (45^{18-20}).

His place among Israel's lawgivers

It is not strange that later Jewish rabbis, confronted by these and other wide variations, found great difficulty in reconciling Ezekiel's code with their own theory of the origin of Israelitish law, and that they were inclined to regard it as a heretical. To the modern scholar Ezekiel is an invaluable index to the true history of the Old Testament legislation; for his work can be definitely dated. Evidently his code is the successor of the Deuteronomic and the precursor of those priestly codes which became the ultimate formative norm of later Judaism. He is one of the pioneers in the movement emanating from the exiles in Babylonia that defined religion in the terms of the ritual and aimed to develop a detailed series of laws regulating the life of the individual and, especially, the ceremonial services of the temple.

His influence upon later Judaism

His code, as such, was never practically adopted by the Jewish race. For nearly two centuries more the Deuteronomic codes sufficed for the needs of the struggling community in Palestine. Much in Ezekiel's programme, as for example the allotment of the land, was theoretical, not practical. At the same time the principles that he emphasized, and most of the innovations that he advocated, were taken up by later priestly lawgivers and in modified and more practical form were incorporated in the law-book ultimately adopted by the Jews of Palestine. His primary aim in developing his code in this concrete and dramatic way, was to convince his contemporaries that Jehovah's people would certainly be restored to their native land, and to inspire them to prepare for the return. The later codes, as well as subsequent history, demonstrate that his higher prophetic purpose was realized. Thus he stands, not merely as the incarnation of the dominant spirit of the exile, but also as the man who, more than any other, shaped the life and thought of later Judaism.

His dominant idea: Jehovah's holiness

Underlying all of Ezekiel's preaching and laws is the dominant conception of Jehovah's holiness. The arrangement of the temple, its ritual, the laws guarding the ceremonial purity of the priest, even the allotment of the land, these all are intended to guard the central sanctuary and the Holy One inhabiting it from coming again into contact with anything common or unclean. Furthermore, these elaborate regulations were intended to impress strongly upon the minds of his readers the supreme holiness of Jehovah and the corresponding obligation of his people to be holy. The vision of Isaiah (Is. 6) is here interpreted into the terms of both ritual and life.

The same conception and application reappear in the laws of Leviticus 17–26; and are so distinctive that this collection has been appropriately designated, and is now generally known as, the *Holiness Code* (technically

Points of contact between Ezekiel and the Holiness Code

represented by P^{h}). The underlying thought that binds the group together is expressed in the words of Jehovah in Leviticus 22^{31-33}, *Ye shall observe my commands and do them: I am Jehovah. And ye shall not profane my holy name; but I will be treated as holy among the Israelites. I am Jehovah who maketh you holy, who brought you out of the land of Egypt, to be your God: I am Jehovah* (cf. 19^{2}, $20^{7, 8, 26}$, $21^{6-8, 15, 23}$, $22^{9, 16}$). A study of the individual laws demonstrates that, as in Ezekiel, both moral and ceremonial holiness is contemplated. The impressive refrain, *I am Jehovah*, is repeated forty-six times and is one of many common characteristics that distinguish these laws. The same expression is also found seventy-eight times in Ezekiel, and not once in the writings of his earlier contemporaries, Isaiah and Jeremiah. There are many other striking points of contact both in vocabulary and idiom. The unusual formula beginning, *Every man of the house of Israel* (Lev. $17^{3, 8, 10, 13, 15}$), is found nowhere else in the Old Testament except in Ezekiel, where it is very common (*e. g.*, Ezek. $14^{4, 7, 8}$, $44^{10, 12}$). The social crimes especially prohibited in the Holiness Code (*e. g.*, 18^{8}, $20^{10-12, 17}$, $19^{13, 15, 36}$, 20^{9}, 21^{1-5}),* are denounced by Ezekiel in terms almost identical (*e. g.*, $22^{10, 11}$, $18^{7, 8, 12, 16}$, $33^{15, 25}$, 45^{10}, 22^{7}, $44^{25, 20}$). A like emphasis is also laid on the sanctity of the temple (cf. Lev. 19^{30}, 20^{3}, $21^{12, 23}$, 26^{2} and Ezek. 5^{11}, 8^{6}, $23^{38, 39}$). Both seek to guard the priesthood from all possible defilement. Thus in language, thought, and purpose, Ezekiel and the laws of the Holiness Code are bound together by closest ties.

Explanation of the points of likeness

The points of contact are so many and so fundamental that they can be explained only on the assumption of a vital connection between the two. At the same time minor variations in vocabulary and representation indicate that Ezekiel was not the author of both. Thus, for example, the Holiness Code knows nothing of his distinction between the priests and Levites. It also sanctions, except in the case of the high priest (Lev. 21^{14}), the marriage of priests with widows, a practice which Ezekiel condemns (44^{22}). A detailed comparison of the two systems leads to the conclusion that both come from the same priestly circles and approximately the same date, but that Ezekiel was acquainted with the major portion of the laws in the Holiness Code.

Contents of Leviticus 17 and 18

In its present form the Holiness Code consists of ten or eleven groups of laws, which have evidently been disarranged at several points or else disturbed by insertions made by later priestly editors. The first group, 17^{3-16}, includes a pentad of much expanded laws regarding the slaughter of animals and sacrifice. All except the last are introduced by the peculiar formula, *Every man of the house of Israel* ($^{3, 8, 10, 13}$). The completion of this decalogue is perhaps to be found in $18^{3, 4}$, a passage which contains a group of brief commands emphasizing the duty of faithful allegiance to Jehovah. The next section, 18^{6-30}, embraces, as Professor Paton has pointed out,† two decalogues regarding purity in the social relations. Here, as in 19, the formula, *I am Jehovah*, marks the end of each pentad. The following indicates the method of classification:

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* For a detailed comparison of vocabulary, literary style and teachings, cf. Carpenter and Battersby, *The Hexateuch*, I, 147–51.

† Jour. of Bib. Lit., 1897, Vol. XVI, 31 ff.

First Decalogue : Purity in Those Related through Parents and Children

First Pentad: Kinship of the First Degree, Leviticus $18^{6, 7, 8, 9, 10}$.
Second Pentad: Kinship of the Second Degree, $18^{11, 12, 13, 14, 15}$.

Second Decalogue : Purity in Remoter Relationship

First Pentad: Relationship through Marriage, $18^{16, 17a, 17b, 18, 19}$.
Second Pentad: Outside the Family, $18^{20, 21, 22, 23a, 23b}$.

The remaining verses of chapter 18 ($^{24-30}$) contain a concluding exhortation; this, as a whole, is probably from the original editor of the code, but at several points is supplemented by a later priest.

The decalogues in Leviticus 19

Leviticus 19 contains a large group of laws regarding religious, moral, and ceremonial duties. Those in $^{2-8}$ have evidently been disarranged. They are in part parallel to the prophetic decalogue of Exodus 20^{2-17}. The parallel is still more complete if the dislocated fragment in 24^{15b-22} be combined with 19^{2-8}. Possibly they represent the remnants of an original decalogue. Furthermore, if ^{35} be transferred to its logical position after ^{11a}, two complete decalogues and one pentad of a third decalogue, are to be found in $^{9-18}$. The end of each pentad is again marked by the formula, *I am Jehovah*. The analysis is as follows:

First Decalogue : Duties to Others

First Pentad: Kindness to the Needy, $19^{9a, 9b, 10a, 10b, 10c}$.
Second Pentad: Honesty in Business Relations, $19^{11a, 35, 11b, 11c, 12}$.

Second Decalogue : Laws against Injustice

First Pentad: Toward Dependents, $19^{13a, 13b, 13c, 14a, 14b}$.
Second Pentad: In Legal Matters, $19^{15a, 15b, 15c, 16a, 16b}$.

Third Decalogue : Laws against Unkindness

First Pentad: In the Heart, $^{17a, 17b, 18a, 19a, 19b}$.

It is in this last pentad that the Old Testament legislation reaches its noblest expression: one of its commands, *Thou shalt love thy neighbor as thyself*, is exalted by Jesus to a position of transcendent authority. Remnants of the second pentad, which probably dealt with unkindness to the helpless, are perhaps to be found in $19^{33, 34}$, *An alien . . . in your land ye shall not wrong. Thou shalt love him as thyself.* Leviticus 19^{19} contains three laws against the mixing of dissimilar things. Duplicate versions of these are found in Deuteronomy 22^{9-11}. In the same context, $^{5, 12}$, are found the remaining two laws of this pentad. One of them has, for some unknown reason, been removed from its natural connection in Leviticus 19 and is now found in Numbers 15^{37-41}. This section has all the characteristics of the Holiness Code and was probably once a part of it. The second pentad of this decalogue is now to be found in $^{26-28}$; but in $^{20-25}$ several incongruous laws regarding

illicit relations between a free man and a betrothed slave and the eating of the fruit of young trees, have been introduced. The following appears to have been the original form of the laws:

Decalogue concerning Prohibited Practices

First Pentad: Mingling of Dissimilar Things (Dt. 22^{5}), Leviticus $19^{19b, 19c, 19d}$, Numbers 15^{37-41}.

Second Pentad: Imitation of Heathen Practices, Leviticus $19^{26a, 26b, 27, 28a, 28b}$.

The remainder of the chapter, $^{29-37}$, contains a composite of social and humane laws.

Analysis of Leviticus 20–25

Leviticus $20^{2-7, 27}$ prescribes the penalty to be imposed for apostasy and necromancy, while 20^{8-26} contains a group of laws regarding chastity and ceremonial purity which are closely parallel to those in 18. The former passage (20^{2-7}) prescribes the penalties; in 18 the crimes are simply prohibited. Each group also employs different formulas and follows slightly different systems of classification. The laws in 18 are simpler, more homogeneous, and cast in the decalogue and pentad form, facts which indicate that these laws are probably much older than their present setting. Leviticus 21^{1}–22^{16} contains the laws regarding the priests; 22^{21-32} defines the animals suitable for sacrifice. Most of Leviticus 23 is evidently from a later priest, but in $^{10-20, 39-42}$ are found certain early regulations regarding the observation of the feasts of unleavened bread, weeks, and tabernacles. As has already been noted (p. 39), the detached group of criminal laws in 24^{15b-22} evidently belong with 19. The rest of 24 is from a later priestly source. The original humane laws in 25 ($^{2b-7, 14, 17-22, 24, 25, 35-40a, 43, 47, 53, 55b}$) which aim through the institution of the Sabbatical and year of jubilee to relieve the unfortunate and needy, are also closely related to the other regulations of the Holiness Code. The many late priestly supplements are readily recognized.

Leviticus 26

The concluding chapter (26) emphasizes, in the form of a hortatory address, the fundamental duty of loyalty to Jehovah and his commands. In thought and spirit this chapter closely resembles the concluding exhortations of Deuteronomy. The evils that will follow disobedience are solemnly pointed out; and in $^{30-39}$ a vivid picture is given of the horrors of exile. This is followed in $^{40-45}$ by the prospect of a restoration, if the people repent. The promise, however, is not nearly so definite or detailed as that contained in Ezekiel 40–48. The Holiness Code also has its own concluding formula (^{46}) indicating clearly that it was once a complete and independent collection: *These are the statutes and judgments and laws which Jehovah made between himself and the Israelites on Mount Sinai by the hand of Moses.*

Real character of the Holiness Code

The concluding exhortations, as well as the many civil, criminal and humane laws, demonstrate that this remarkable code was more than a manual for the use of priests. Like Deuteronomy, it was evidently intended to be a book for the people. As in Deuteronomy, the penalties are few, the appeal is to the individual conscience, and, in many sections, the direct second person singular, *Thou*, is employed. In contrast with the later priestly codes,

it has many other fundamental points of contact with the laws of Deuteronomy. It emphasizes the obligation to offer sacrifices only at Jerusalem and manifests the same uncompromising hostility to all heathen cults (17^{3-7}, $19^{4, 30}$, 20^{1-8}, 26^{1}). It makes no reference to the later sin-offerings and knows of only two kinds of animal sacrifice, the burnt-offering and the ordinary sacrifice. Its system of feasts is simple, corresponding closely to those in Deuteronomy and the early prophetic narratives. For these feasts no fixed date has yet been established. The spring feast is still simply a harvest festival and the later stern day of atonement is unknown.

The blending of prophetic and priestly elements

In the Holiness Code the humane element is also very prominent. The spirit of the prophet pervades it. In this respect it is a worthy companion piece and sequel of Deuteronomy. At the same time the interest in the ritual is more marked and the point of view of the priest is constantly revealed. It is a remarkable blending of these two very different *motifs*. In subject-matter and aim it stands midway between the prophetic codes of Deuteronomy, and the priestly codes of Ezekiel and the later writers who place the emphasis chiefly upon the ceremonial.

Its probable date

In its original unity, before supplemented by the late priestly additions that were intended to bring it into conformity with the later point of view, the Holiness Code stands, also, in point of time between the Deuteronomic codes and that of Ezekiel. It bears the marks of the Babylonian exile; and yet there is everywhere apparent an intimate acquaintance with the life of the pre-exilic Judean state. Likewise, Ezekiel's sermons, delivered before the final destruction of Jerusalem in 586 B.C., reveal in language, ideas, and aims, an intimate familiarity with the majority of its laws. It is probable, therefore, that the original draft of this code was made between the first and final captivity (597–586 B.C.), a period in which the more enlightened leaders, like Jeremiah and Ezekiel, saw clearly that the state was doomed, and that Israel's laws and institutions, if they were to be preserved, must be put into written form.

The older elements in the code

The presence of many duplicate versions of the same law, the primitive nature of certain of the regulations, the frequent points of contact with the early codes in Exodus 20^{23}–23^{19}, and the pentad and decalogue structure of several groups of laws, strongly suggest that the work of the exilic editor was largely the work of a compiler, and that many of its enactments come from a much earlier period in Hebrew history. This is especially true of the simple decalogues in 17–19. Their structure indicates that they were originally intended to be orally transmitted. They are apparently the Judean counterparts of the Northern Israelitish *Judgments* and of the religious and humane laws in Exodus 20^{23}–23^{19}. Their roots are probably to be traced to the Mosaic and nomadic periods of Israelitish history. In their pentad and decalogue form, however, they assume the settled agricultural life of Palestine. Furthermore, the majority of them reflect the ethical teachings of the prophets of the eighth century B.C. It is therefore probable that they were not promulgated before the latter part of that century. Some of them, as for example those in 17^{1}–18^{5}, cannot be earlier than the age of Deuteronomy. The remainder of the original Holiness Code apparently

records the standards and ceremonial usages in vogue in Judah during the half century immediately before the exile; although many of them doubtless reflect customs as old as the Hebrew race. Thus, as in the case of every Old Testament code, a majority of the laws are much older than the date of the collection in which they are at present found; hence, it may truly be said that the later Jewish traditions which aim to emphasize the antiquity of Israel's laws are not without a large and substantial basis in fact.

VI

THE PRIESTLY CODES

Growth of later ceremonial laws

For at least two centuries after the fall of Jerusalem in 586 B.C., the influences that had led Ezekiel and the author or authors of the Holiness Code to develop their legal systems, continued to bear abundant fruit. The result is a large body of heterogeneous regulations and traditional precedents, now scattered through Exodus, Leviticus and Numbers, but all sharing certain marked characteristics which distinguish them sharply from Israel's earlier laws. The first characteristic is that they all, with the exception of Numbers 27^{1-11}, 35 and 36, relate to ceremonial observances. Thus at once are revealed the point of view of the priest and the dominant interest of exilic and post-exilic Judaism. These priestly laws represent the bridge over which the Israelitish race passed from the highly ethical and spiritual religion of the pre-exilic prophets to the rigorous ritualism of the scribes and Pharisees.

Their peculiar point of view

Throughout, these laws assume the belief in one supreme Deity, worshipped by his people at one central sanctuary. Though written, as most of them are, from the point of view of the wilderness, they ignore the unequivocal testimony of the earlier historical records, and assume that the institutions which developed in the later days of the kingdom or grew out of the changed conditions of the exile, were in full force in the age of Moses. In this belief they share again the peculiar point of view of later Judaism. Like the Chronicler (cf. Vol. II, pp. 27, 28), they have, in their passionate love for the temple and its ritual, lost the historical perspective, and project back on the barren canvas of the wilderness the priestly ideals which fill their minds.

Wide variations from the earlier codes

Their vocabulary and conception of the ritual, as compared with those of the pre-exilic lawgivers, have also undergone a fundamental transformation. Thus, for example, the earlier word for sacrificial gift (*minhah*), a word that signified both vegetable and animal offerings, is used fully ninety times, but always with the restricted meaning of *cereal-offering*. Likewise, the pre-exilic forms of sacrifice in which the individual offerers prominently participate, fall into the background; and in the later priestly codes practically all the sacrifices, with the exception of the sin-offering, are public and under the charge of the priests and Levites. Whole burnt-offerings, of which all or the greater part of the animal is consumed or given to the priestly representatives of Jehovah, take the place of those earlier sacrificial feasts in which only a small part was burnt and the major portion eaten by the offerer, his family and dependents, and the poor Levites. The ancient festivals cease to be joyous feasts closely connected with the harvests, and become solemn religious assemblies celebrated at fixed dates and with only slightly varying public

sacrifices. Certain new festivals, like the day of atonement, and certain new offerings, like the sin-offering, appear in these later laws. All these new ideas and institutions are the outgrowth of the sense of guilt impressed by the exile upon the consciousness of the race. These increased forms and sacrifices indicate also an ardent desire to attain a ceremonial purity more worthy of the favor of the Holy One. The separation between the priesthood and the laity, slight indeed in the earliest period, is now complete; and the distinction between priest and Levite, first made by Ezekiel, is now absolute; each class of temple ministers, moreover, have defined for them in detail their rights and limitations.

Aims of the priestly law-givers

These radical distinctions evince the real animus of the later priestly law-givers. Like Ezekiel and the authors of the Holiness Code, on the one hand, they were uplifted by an awful sense of the holiness and majesty of Jehovah; and on the other hand, like all their race after the great calamity of 586 B.C., they were crushed with a sense of national guilt. As individuals they were conscious of no great sins, but their race as a whole seemed to lie, rejected and polluted, under the dark shadow of Jehovah's displeasure. The prophetic doctrine of personal righteousness seemed inadequate to meet the needs of the situation. The priest, therefore, influenced by all the precedents of the past, by the example of the Babylonians and other contemporary nations and by the traditions of their own class, sought relief through the ritual. Forthwith they set to work to purge their ritual of its unworthy heathen elements, to elaborate it in such manner that it might prove adequate to the great need, to guard it by carefully formulated laws from all irregularity or perversion, and finally, so to establish its divine authority that the faithful observation of each regulation would be assured.

Evidence of gradual growth and different editors

Studied in the light of these common aims, the various priestly laws possess a real unity. At the same time the evidence indicates clearly that they come not from one but several hands, during a period of a century or two; for within the priestly codes themselves there are repetitions of particular laws in the same or different forms. Leviticus 6^{8}–7^{38}, for example, covers practically the same ground as chapters 1–5; and in some cases laws that appear to be late supplant or modify or supplement older regulations. The present structure of the priestly codes indicates, moreover, that they are made up of originally distinct, sometimes very loosely co-ordinated, groups of laws.

The priestly directions or teaching

Such a group is found in Leviticus 1–3, 5–7, 11–15, Numbers 5, 6, 15 and $19^{14\text{-}22}$. It is distinguished from all other groups by the presence of such introductory or closing formulæ as: *This is the torah of the burnt-offering* (Lev. 6^{9}), or *of the cereal-offering* (Lev. 6^{14}), or *of the guilt-offering* (cf. also Lev. 6^{25}, 7^{11}, 11^{46}, 12^{7}, $14^{1,\,54}$, 15^{32}, Nu. 5^{29}, 6^{21}, 19^{14}). This collection of laws is evidently a manual for the guidance of priests and worshippers in the discharge of their sacrificial obligations. It deals with the different kinds of sacrifice, the distinctions between clean and unclean, the rules of observance for priests and people, and the duties of those assuming the Nazirite vow. The majority of these laws are evidently based on *tôrôth* or decisions rendered by the priests (hence for the group the technical designation P^{t}). The frequently recurring phrase, *according to the ordinance* (*e. g.*, Lev. 5^{10}, Nu. 15^{24}),

also suggests that many of these laws simply reproduce established (possibly earlier documentary) regulations of the pre-exilic temple.

Their origin and date

In language and theme the priestly directions are rather closely related both to each other and to the Holiness Code. They have been revised at certain points and adapted to the priestly point of view; but in their oldest form they were apparently associated with the pre-exilic tent of meeting, not with the late priestly dwelling or tabernacle. Furthermore, occasional traces of pentads strengthen the conclusion that this group of laws, like the Holiness Code, has as its nucleus certain pre-exilic priestly regulations. These earliest regulations have been supplemented by formularies of customs that had gradually grown up about the temple, and by rules of procedure given by older priests for the guidance of their younger colleagues and for worshippers. The changed conditions of the exile led to further revision and supplementing, until these priestly directions attained their present form. To date them exactly is impossible. The older pentads probably go back to the days of the two Hebrew kingdoms, and, in many cases, doubtless reflect still earlier customs. The final formulation of the laws as a whole cannot, however, be dated before the earlier part of the exile. They were probably joined to the other priestly codes at a considerably later date; for they have no organic connection with their context nor with the historical framework that furnishes the setting for most of the later laws.

The groundwork of the priestly codes

The groundwork of the priestly codes (technically known as P^g) consists (1) of an historical introduction to the Old Testament laws as a whole (designated in Vol. I, pp. 43–48, as the *Late Priestly Narratives*), and (2) of a more or less homogeneous group of laws that is adjusted to this framework. As has already been noted (Vol. I), the historical sections are very terse, indeed little more than genealogical lists, except where they expand to introduce a covenant like that of the sabbath (Gen. 1^{1}–2^{4a}), or an important legal institution like the rite of circumcision (Gen. 17). They trace Israel's history in outline to the settlement in Canaan; but they find their true culmination in the covenant and traditional legislation at Sinai. Sinai and the wilderness, therefore, furnish the setting for all the laws peculiar to this groundwork. The dwelling or tabernacle takes the place of the later temple, and all the laws intended for subsequent use centre about it. In the wilderness, apart from all people and things that might defile, the ideal ceremonial purity of the *congregation* and *camp* is set forth in carefully elaborated regulations.

Its contents and date

To this groundwork belong the main body of the laws regarding the passover in Exodus $12^{1\text{-}13,\ 43\text{-}49}$, the detailed directions regarding the dwelling or tabernacle in 25–29, the law of the sabbath ($35^{2,\ 3}$), the consecration of the priesthood (Lev. 9–10), the day of atonement (16), the sacred calendar ($23^{4\text{-}8,\ 23\text{-}25,\ 33\text{-}38}$), the lamps and showbread ($24^{1\text{-}9}$), the census at Sinai (Nu. $1^{1\text{-}4}$), the Levites (3), the priestly benediction ($6^{22\text{-}27}$), the use of trumpets ($10^{1\text{-}8}$), and the duties and dues of the priests and Levites (18). The fact that the same technical terms, peculiar idioms, and characteristic ideas bind together these laws and their historical setting, suggests that they may have once constituted an independent literary unit. If so, they may, on the basis

of the narrative sections, be approximately dated somewhere between 450 and 400 B.C. (cf. Vol. I, p. 47).

The supplemental priestly codes

What has been true of all legal codes was especially so in a period of intense literary activity such as this; the work of revision and supplementing in all likelihood began soon after the groundwork was complete. Whether the Holiness Code and the priestly directions were among the first additions cannot be definitely determined. Aside from these larger and older codes, the additions to the groundwork represent simply the continuation of the process that had already produced the earlier groups of priestly laws. These supplemental priestly codes, however, have their own peculiarities in vocabulary and thought. They are intended to fill up the gaps in the older system of laws and to define more definitely the method of procedure. In this respect they are the immediate precursors of the oral law of later Judaism now found in the Mishna; for traditional precedents, such, for example, as the story of Zelophehad's daughters in Numbers 27^{1-11}, here figure prominently, and are none other than earlier types of the halachic midrashim that became so popular with the later scribes. The tendency to make the ritual more elaborate is strong. Thus, an altar of incense, not previously known, is introduced; and the formal act of anointing, hitherto reserved for the consecration of the high priest, is now extended to the ordinary priests; the formula of blood-sprinkling, also, becomes more elaborate, and a secondary passover is added. These supplemental laws increase in many ways the income of the temple and priests; the tithe of the ground, for example, is extended to the herd, and the poll-tax becomes one-half instead of one-third of a shekel.

Their contents

The supplemental laws bulk large in the Pentateuch; but such is their prolixity and their reiteration of older regulations that their importance is far from proportionate to their volume. They mark the beginning of that intellectual, spiritual and literary deterioration which is still more in evidence in the Mishna and Talmud. To these supplemental codes belong the detailed and repetitious account of the preparation of the dwelling or tabernacle in Exodus 35–40, the law of the sin-offering (Lev. 4), the consecration of Aaron and his sons (8), the fiftieth year of jubilee ($25^{8-17, 23, 25-55}$), vows and consecrated gifts (27), the order of the tribes (Nu. 2), the census of the adult males (4), the dedication of the altar (7), heterogeneous ceremonial laws (8 and 9), purification with the ashes of the red heifer (19), the law of inheritance illustrated by the case of Zelophehad's daughters (27^{1-11}), the calendar of sacred seasons (28, 29), regulations regarding vows made by men and women (30), the laws of war (31), and the marriage of an heiress (36). In addition to these independent regulations, almost all the important earlier priestly laws contain supplemental sections from the hands of the late priestly scribes, who sought thus to bring the older into harmony with the later institutions.

Their origin and date

Most of the supplemental priestly laws bear on their face the evidence of their late origin; but a few of them, those for example regarding vows, probably reflect comparatively early usage. Obviously it is difficult to fix the date of these laws, for they clearly represent the growth of many years. Possibly some of them had already found a place in the law-book accepted about 400 B.C. by the Jewish community in Palestine (Neh. 10). It is prob-

able, however, that the majority are later additions. The temple tax, for example, in the days of Ezra and Nehemiah was still one-third of a shekel (Neh. 10^{32}) and not one-half, as required by the supplemental law in Exodus $30^{11\text{-}16}$. And, as has already been noted, the date of the great day of atonement must have been fixed later, for there is no suggestion in Ezra or Nehemiah of its having been observed on the tenth day of the seventh month. The fact that in Nehemiah 10^{37} only the tithe of the ground is required, as in the earlier priestly codes, likewise indicates that the definite supplemental law in Leviticus $37^{30\text{-}33}$, which adds a tithe of the herd and of the flock, was not yet incorporated in the law of Moses. With most of these later regulations, however, the Chronicler was familiar. It is safe to say, therefore, that the priestly codes in their composite form were, with the possible exception of certain brief scribal additions, in existence and accepted as authoritative by the Jewish race at least as early as 250 B.C.

History of later Jewish law

As is well known, the influences which in divine providence produced the priestly codes did not cease to be felt when the canon of the law was closed. Old institutions continued to develop and new ones to come into existence. Hundreds of legal questions not anticipated by the Old Testament laws arose, and the final decisions in time came to have binding authority. In most cases traditional precedents associated with Moses were developed, usually as a product of scribal imagination, to lend support to that authority. For centuries these were treasured and augmented in the rabbinical schools. Lest they should supplant the written law of the Pentateuch, they were at first preserved only in oral form; but at length their bulk defied the power of human memory. The scattering of the Jews after the destruction of Jerusalem in 70 A.D., also endangered their preservation. Accordingly by 200 A.D. they were committed to writing. The Mishna, which records the majority of them, itself in time failed to answer all the questions that changed conditions and rabbinic imagination suggested: about it in turn there grew up during the succeeding centuries a vast body of comments and traditional decisions, ultimately gathered together about 600 A.D., in the great treasury of Jewish thought and literature, the Babylonian Talmud.

Place of the priestly codes in the history of Israelitish law

The priestly codes, in their final written form, stand at the middle point in a process of legal development that began in remote Semitic antiquity (cf. Frontispiece). For nearly two thousand years it can be traced in the life and literature of the Israelitish race. No one will maintain that the priestly codes represent the zenith of that development; it is rather to be found in the Deuteronomic and Holiness codes. In many ways the priestly laws represent a step backward to the more primitive stages when religion and religious duty were defined in the terms of the ceremonial.

Strong influence of common Semitic institutions

There are few institutions or rites in the priestly codes that were not in vogue among other Semitic peoples and especially the Babylonians. Both races had practically the same sacrificial terminology; the same kinds of vegetable and animal sacrifices were offered; victims a year old were preferred and they must be without blemish; arks, altars, temples, tables of showbread, and the paraphernalia of sacrifice were nearly identical. The distinctions between clean and unclean food, and the laws of ceremonial purity were shared

in common. In almost every law of the priestly codes the influence of the inheritances from Israel's primitive past and of the Babylonian religion with which the exiled priests came into closest contact, is clearly reflected. Hence it was inevitable that the clear prophetic vision of God should often be obscured by the priesthood and the ritual, that the individual should become only a member of the congregation, and that forms strikingly similar to those of the peoples about should take the place of that personal worship which the prophets so fervently upheld.

The real value and significance of the priestly codes

And yet it must be remembered that the priestly laws are not antithetic to the older prophetic legislation. Both continued to exist side by side until they were united by a priestly editor. The priestly lawgivers assumed the ethical and personal teachings of the early codes as the basis upon which they reared their ritual and hierarchy. They also appreciated the firm hold that the ancient ritual had upon the great body of their nation. Though its origin was in a sense heathen and its influence often debasing, they could not expel it if they would. Accordingly they devoted themselves to singling out those older laws and customs that were adapted to the new conditions, to eliminating the debasing elements in the prevailing religious rites, and to giving the ritual as a whole a nobler and more spiritual meaning. History records the success of their efforts. Through the period of greatest peril and trial they preserved their race and religion intact within the wall of separation which they reared high about them. And though without the heathen raged, within that sacred enclosure the faithful—as the Psalms abundantly attest—found inward peace and joy in the presence of the Eternal Father.

PERSONAL AND FAMILY LAWS

PERSONAL AND FAMILY LAWS

A

Personal Relation and Condition

I

PARENTS AND CHILDREN

§ 1. Honor and Obedience Due Parents, Ex. 21[15, 17], Dt. 5[16] [Ex. 20[12]], Dt. 21[18-21], 27[16], Lev. 19[3a], 20[9]

Primitive Codes

Ex. 21 [15]He that striketh his father or his mother shall be put to death. Penalty for filial impiety
[17]He that curseth his father or his mother shall be put to death.

Personal Relation and Condition.—Israel's primitive laws contain no references to the king or state or even to judges; but the master who stands at the head of the household is frequently mentioned, Ex. 21[5,6], 22[8]. He is regarded as the responsible and representative member of society. The earliest laws themselves deal chiefly with questions that concern the family. This characteristic is undoubtedly due to the fact that they embody usages and customary laws that come from the early nomadic stage when there was no organized state and when the family or tribe was the only social unit.

Throughout most of the period represented by the O.T., Israelitish society retained its original simple organization. At the head of the family was the father. Sharing with him the authority was his wife, if she was the mother of sons. Next in rank, but ever subject to their father, with whom they usually continued to live even after they had wives and children of their own, stood the sons. The daughters always occupied a very inferior position, being counted as little better than slaves until they were married and became mothers. Hired servants, either foreigners or freedmen who possessed little property but not yet reduced by poverty to slavery, are recognized in the laws. Much more numerous and important were the household slaves. Both foreigners and native Israelites were found in their ranks. Outside the family and regarded as wards of the community or state, were the aliens who had become permanent residents in the land of Israel.

§ 1 It is to the lasting glory of the O.T. legislators that they broke away from oriental tradition and demanded equal homage for both mother and father. The emphasis given to this law is doubtless due to the fact that the authority of the father was one of the cornerstones of early Israelitish society, and that obedience to the human parents was closely akin to obedience to the Divine Parent. Semitic law never went as far as the Roman, which gave to the father absolute power of life and death over his children. The Code of Hammurabi is still milder, for it not only aims to protect the son's right of inheritance even against the wishes of the father but also rules that:

§ 169 *If he has committed a grave crime against his father, which cuts off from sonship, for the first offence he shall pardon him. If he has committed a grave crime a second time, the father shall cut off his son from sonship.*

The old Sumerian laws, however, made slavery the penalty for a son who repudiated his father:

If a son has said to his father, You are not my father, he may brand him, lay fetters upon him, and sell him.

If a son has said to his mother, You are not my mother, one shall brand his forehead, drive him out of the city, and make him go out of the house.

The Babylonian, as well as the Hebrew father had the right to sell his children, if need be, as slaves, or to hire out his son and to take his wages.

Deuteronomic Codes

Reward of filial piety

Dt. 5 [16]Honor thy father and thy mother, as Jehovah thy God hath commanded thee; that thy days may be long, and that it may go well with thee, in the land which Jehovah thy God giveth thee.[a]

Procedure in the case of wilful disobedience

21 [18]If a man have a stubborn and rebellious son, who will not obey the voice of his father, or the voice of his mother, and, though they chastise him, will not give heed to them, [19]his father and his mother shall take hold of him, and bring him before the elders of his city, and to the gate of the place where he lives, [20]and they shall say to the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a spendthrift and a drunkard. [21]Then all the men of his city shall stone him to death; thus thou shalt put away the evil from thy midst, and all Israel shall hear, and fear.

Public condemnation

27 [16]Cursed be he who dishonoreth his father or his mother. And all the people shall say, So may it be.[b]

Holiness Code

Reiteration of the older law

Lev. 19 [3a]Ye shall fear each man his mother and his father. **20** [9]For every one that curseth his father or his mother shall be put to death; he hath cursed his father or his mother; his blood shall be upon his own head.

§ 2. Authority of Father over Unmarried Daughter, Nu. 30[3-5]

Supplemental Priestly Codes

Father able to annul even a vow made by his daughter

Nu. 30 [3]When a woman maketh a vow to Jehovah, and bindeth herself by a pledge, while she is still in her father's house, in her youth, and her father heareth her vow, and her pledge with which she hath bound herself, and her father saith nothing to her, then all her vows shall be valid, and every pledge with which she hath bound herself shall be valid. [5]But if her father express his disapproval of her on the day that he heareth, none of her vows or her pledges with which she hath bound herself shall be valid; and Jehovah will forgive her, because her father expressed his disapproval of her.

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[a] Dt. 5[16] The variant in Ex. 20[12] reads, *Honor thy father and thy mother that thy days may be long upon the land which Jehovah thy God giveth thee.* Both contain the original brief command of the prophetic decalogue, supplemented by a statement of the blessing that will surely follow its faithful observance.

[b] Dt. 27[16] This verse comes from the later supplement to the book of Deuteronomy. It may, however, represent an old liturgical formula. The language of these curses, Dt. 27[14-26], is related to the *Judgments* in Ex. 21–22[20], and the Holiness Code.

§ 2. The phraseology of this section connects it with some of the latest additions to the O.T. It is not closely joined to its context, 29 and 31, but rather supplements the laws regarding vows in Lev. 27 and Nu. 6. It, however, probably reflects earlier usage and well illustrates the legal status of the unmarried Hebrew daughter, for a vow in ancient times was otherwise regarded as irrevocable.

II

THE MARRIAGE RELATION

§ 3. Relatives between whom Marriage is Illegitimate, Dt. 22[30], 27[20, 22, 23], Lev. 18[6-18, 24, 25]

Deuteronomic Codes

Dt. 22 [30]A man shall not marry his father's wife and shall not uncover his father's skirt.[c] **27** [20]Cursed be he who lieth with his father's wife, because he hath uncovered his father's skirt. And all the people shall say So may it be. With a step-mother

[22]Cursed be he who lieth with his half-sister, the daughter of his father, or the daughter of his mother. And all the people shall say, So may it be. With a half-sister

[23]Cursed be he who lieth with his mother-in-law. And all the people shall say, So may it be. With a mother-in-law

Holiness Code

Lev. 18 [6]None of you shall approach to any who are closely related to him, to uncover their nakedness: I am Jehovah. [7]The nakedness of thy father, and the nakedness of thy mother, shalt thou not uncover; she is thy mother; thou shalt not uncover her nakedness. [8]The nakedness of thy father's wife shalt thou not uncover; it is thy father's nakedness. [9]The nakedness of thy sister, the daughter[d] of thy mother, whether born at home, or away, her nakedness thou shalt not uncover. With an own or step-mother, own or half-sister

[10]The nakedness of thy son's daughter or of thy daughter's daughter, their nakedness thou shalt not uncover; for their nakedness is thine own. [11]The nakedness of thy father's wife's daughter, begotten of thy father, who is thy sister—her nakedness thou shalt not uncover. [12]Thou shalt not uncover the nakedness of thy father's sister; she is thy father's near kinswoman. [13]Thou shalt not uncover the nakedness of thy mother's sister; for she is thy mother's near kinswoman. [14]Thou shalt not uncover the nakedness of thy With a grand-daughter, aunt, daughter-in-law, or sister-in-law

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Marriage Relation.—Since the family was the most important unit in ancient Semitic society, marriage was always carefully guarded. So completely was attention fixed on the interests of the family and clan that the parents always arranged the preliminaries, and the feelings and wishes of the contracting parties were rarely, if ever, consulted.

§ 3 This group of laws and its counterpart, Lev. 20[11, 12, 14, 17, 19-21] are evidently intended primarily to guard the purity and peace of the family life. No distinction is made between relationship by marriage and by blood. The three capital offences are marriage with a step-mother or a daughter-in-law, or both a mother and her daughter, Lev. 20[11, 12, 14, § 72]. In none of these cases is the alliance between blood kinsmen.

The O.T. laws record the successive stages in the development of the moral consciousness of the nation in regard to marriage. The primitive laws are silent and the earliest narratives imply that the usage of the Hebrews was similar to that among the Egyptians and Persians, where marriage between brothers and sisters and in some cases between parents and children was not unknown. Thus according to Gen. 20[12], Abraham married his half-sister. If David's son Amnon had chosen to marry his half-sister Tamar, evidently the public opinion of his day would have approved the act, II Sam. 13[13]. Lot married two daughters according to the tradition in Gen. 19[30-38]; Jacob married two sisters; Moses' father married his own aunt, Ex. 6[20]. The law of levirate marriage survived in the face of later public opinion. The desire to perpetuate the family and to keep intact its hereditary wealth, was stronger in the

[c] Dt. 22[30] Evidently a euphemism; enter into marital relations with a stepmother.

[d] Lev. 18[9] A scribe has added, anticipating the detailed law in,[11] *the daughter of thy father or.*

Holiness Code

father's brother, thou shalt not approach his wife; she is thine aunt. [15]Thou shalt not uncover the nakedness of thy daughter-in-law; she is thy son's wife; thou shalt not uncover her nakedness. [16]Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness.

With both a mother and daughter or granddaughter or with two sisters

[17]Thou shalt not uncover the nakedness of a woman and her daughter; thou shalt not take her son's daughter, or her daughter's daughter, to uncover her nakedness; they are near kinswomen; it is unchastity. [18]And thou shalt not take a woman as your wife in addition to her sister, to be her rival to uncover her nakedness, beside the other in her life-time. [24]Defile not yourselves in any of these ways, for in all these ways the nations, which I am casting out before you defiled themselves; [25]thus the land became defiled, and I visited its iniquity upon it and the land cast out its inhabitants.

§ 4. Marriage with a Captive, Dt. 21[10-14]

Deuteronomic Codes

Forms and limitations to be observed

Dt. 21 [10]When thou goest forth to battle against thine enemies, and Jehovah thy God delivereth them into thy hands, and thou carriest them away captive, [11]and seest among the captives a beautiful woman, and thou hast a desire for her, and wouldest make her thy wife, [12]then thou shalt bring her home to thy house; and she shall shave her head, and pare her nails; [13]and she shall put off the garb of her captivity, and shall remain in thy house, and lament for her father and her mother a full month. After that thou mayest go in unto her, and be her husband, and she shall be thy wife. [14]But if thou have no delight in her, then thou shalt let her go where she will; but thou shalt not in any case sell her for money, thou shalt not deal with her as a slave, because thou hast humbled her.

§ 5. Marriage with Aliens, Ex. 34[12a, 15, 16], Dt. 7[1-4], Nu. 25[6-13]

Deuteronomic Codes

No intermarriage with native peoples

Ex. 34 [12a]Take heed [15]not to make any alliance with the inhabitants of the land, lest, when they play the harlot after their gods and sacrifice to their gods and thou be invited, thou eat of their sacrifice; [16]and lest, if

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earlier period than the moral sense. The latter evidently developed rapidly under the preaching of the prophets, so that in Dt., and in the older decalogues preserved in the Holiness Code, it finds definite expression in laws which Ezek. makes the basis of one of his sermons, 22[10, 11].

§ 4 Female captives in war, like slaves, were adopted by the Israelitish community and family. Therefore the law provides for the marriage of Hebrews with them, simply stipulating that it shall not be done hastily and without consideration for the feelings of the captive. Having been raised to the position of a wife, she cannot again be sold as a slave. The Babylonian law also made the same provisions regarding female slaves, if they had borne children to the master. It further decreed, H. C. § 137, that if divorced the slave must be provided with means to support the children, and that when they had grown up she should have the equivalent of one son's share in her first husband's property and be free to marry the husband of her choice.

§ 5 The laws against intermarriage with foreigners cannot be traced back beyond the late prophetic codes. Indeed the supplemental editorial addition in Ex. 34[15, 16] and in Dt. 7[1-4] are probably little, if at all, earlier than the Babylonian exile. The suggestive silence of the primitive codes is explained by the references in the earlier historical narratives where the marriage of kings like David, Solomon, and Ahab, and of private citizens like Samson and the mother-in-law of Ruth with foreigners, is a common practice, uncondemned by the earlier writers.

Non-intermarriage, however, was a corollary of Elijah's stern principle of non-alliance with foreigners. The Deuteronomic school first applied this principle rigidly to the life of the nation. The changed conditions of the Babylonian exile made non-intermarriage an absolute

Deuteronomic Codes

thou take their daughters as wives for thy sons, and their daughters play the harlot after their gods, thou also make thy sons play the harlot after their gods.

Extirpation not intermarriage, the later law

Dt. 7 [1]When Jehovah thy God shall bring thee into the land which thou art going in to possess, and shall clear away many nations before thee, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and mightier than thou, [2]and when Jehovah thy God shall deliver them into thy hands and thou shalt smite them, then thou shalt completely destroy them[e] without making any terms with them, or without showing any mercy to them; [3]neither shalt thou make marriages with them; thou shalt not give thy daughter to his son, nor shalt thou take his daughter as a wife for thy son. [4]For he will turn away thy son from following me to serve other gods so that the anger of Jehovah will be kindled against you, and he will quickly destroy thee.

Priestly Codes

A traditional precedent: death the penalty for intermarriage

Nu. 25 [6]Now, behold, one of the Israelites came and brought home to his kinsmen a Midianite woman in the sight of Moses and of all the congregation of the Israelites, while they were weeping at the door of the tent of meeting. [7]And when Phinehas, the son of Eleazar, the son of Aaron the priest, saw it, he rose up from the midst of the congregation and took a spear in his hand, [8]and went after the man of Israel into the large tent and thrust both of them through, the man of Israel and the woman, through the body. So the plague was stayed from the Israelites. [9]And those who died of the plague were twenty-four thousand.

Reward of Phinehas' zeal

[10]And Jehovah spoke to Moses, saying, [11]Phinehas, the son of Eleazar, the son of Aaron the priest, hath turned away my wrath from the Israelites, in that he was jealous with the jealousy which I myself show among them, so that I did not consume the Israelites in my jealousy. [12]Therefore say, 'Behold, I give to him my covenant of peace; [13]and it shall be to him and his descendants after him the covenant of an everlasting priesthood; because he was jealous for his God and made atonement for the Israelites.'

§ 6. Marriage of Priests, Lev. 21[7, 13-15]

Holiness Code

Not to marry an immoral woman

Lev. 21 [7]A priest[f] shall not marry a woman who is a harlot or dishonored; nor shall he marry a woman who has been divorced from her husband; for a priest is consecrated to his God.

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essential, if the exiles were to preserve their racial identity. The records of Ezra 9, 10 and Neh. 13[23-28] clearly indicate that the Jews of Palestine continued to intermarry with foreigners as late as 400 B.C. With the adoption of the priestly law they appear to have accepted the stricter rule in force among the Jews of the dispersion, so that from this time marital alliances with any outside the race were regarded as illegal. The late priestly precedent in Nu. 25[6-15] was evidently intended to aid in enforcing this law and to trace it back to Moses, cf. Introd. p. 46. Marriage with resident aliens who had permanently identified themselves with the Jewish community was permitted even in the case of a priest's daughter, at least in the Holiness Code, Lev. 22[12, 13].

[e] Dt. 7[2] Lit., *devote, put them under the ban, i. e.*, put them to death.

§ 6 In this concrete and effective way the later lawgivers impressed upon the minds of the people through the symbolism of the ritual, moral as well as ceremonial obligations.

[f] Lev. 21[7] Heb *he*

Holiness Code

The high priest

[13]A high priest shall take a virgin as his wife. [14]A widow, or a divorced woman, or a dishonored woman, or[g] a harlot, such he shall not take; but a virgin of his own father's kin shall he take as his wife,[15] that he may not make his offspring dishonored among his father's kin: for I am Jehovah who sanctifieth him.

§ 7. Marriage after Seduction, Ex. 22[16], Dt. 22[28, 29]

Primitive Codes

Seduction of a virgin

Ex. 22 [16]If a man entice a virgin who is not betrothed and lie with her, he must make her his wife by paying a dowry for her.

Deuteronomic Codes

A wife thus wedded never to be divorced

Dt. 22 [28]If a man find a virgin who is not betrothed and take hold of her and lie with her, and they be caught in the act, [29]the man who lay with her shall give to the girl's father fifty shekels of silver; moreover she shall be his wife because he hath humbled her; he may not divorce her as long as he liveth.

§ 8. Levirate Marriage, Dt. 25[5-10]

Deuteronomic Codes

The family of a deceased man to be perpetuated by his brother

Dt. 25 [5]If brothers dwell together, and one of them die without having a son, the wife of the deceased shall not be married to a man outside the clan; her husband's brother shall go in unto her, and make her his wife, and perform the duty of a husband's brother to her. [6]The first son whom she beareth shall succeed to the name of his brother who is dead, that his name may not become extinct in Israel.

Procedure if the surviving brother refuses to do his duty

[7]But if the man doth not wish to take his brother's wife, then she shall go up to the elders at the city gate and say, My husband's brother refuseth to perpetuate his brother's name in Israel; he will not perform the duty of a husband's brother to me.[h] [8]Then the elders of his city shall call him, and speak to him; and if he stand, and say, I do not wish to take her, [9]then his brother's wife shall come to him in the presence of the elders, and loose his sandal from off his foot, and spit in his face; and she shall speak forth and say, Thus shall it be done to the man who will not build up his brother's house. [10]And his house shall be called in Israel, 'The house of him who hath his shoe loosed.'

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[g] Lev. 21[14] So Gk. The Heb. omits *or*.

§ 7 The prophetic lawgivers sought to guard against social immorality and the neglect of the marriage obligations by also imposing a definite marriage dowry and refusing divorce to the man who defied the laws of society. The amount fixed was fifty shekels in contrast to the thirty shekels usually paid for a slave.

§ 8 The aim of this law is to prevent the extinction of a family. Although recorded only in Dt., it is clearly an ancient institution, for it is assumed in the early Judean prophetic narrative of Gen. 38[8, 14, 26], and in the story of the marriage of Ruth and Boaz. The custom is not confined to the Hebrews, but is widely prevalent. The Hindu *Laws of Manu* enforce it in case the deceased leaves no issue of either sex. The same law is in force in Madagascar and among the Calchaquis of Brazil. The Hebrew version in Deuteronomy limits the law to cases where the deceased was living on the same estate with his brother and left no male heir.

[h] Dt. 25[7] Cf. Ruth 4[1].

§ 9. Authority of a Husband over his Wife, Nu. 30[6-8, 13-15]

Supplemental Priestly Codes

Husband's power to annul any vow made by his wife

Nu. 30 [6]If a woman be married while her vows are upon her, or the rash utterance of her lips with which she hath bound herself, [7]and her husband hear of it, and say nothing to her on the day that he heareth of it, then her vows shall be valid, and her pledges with which she hath bound herself shall be valid. [8]But if her husband express his disapproval of her on the day that he heareth of it, then he rendereth her vow invalid, and the rash utterance of her lips, with which she hath bound herself; and Jehovah will forgive her. [13]Every vow and every oath pledging some self-infliction[i] her husband may render valid or invalid. [14]But if her husband say nothing to her for several days, then he hath rendered all her vows or all her pledges which rest upon her valid; he hath rendered them valid because he said nothing to her on the day that he heard of them. [15]But if he render them null and invalid, after he hath heard of them,[j] he taketh her[k] iniquity upon himself.

§ 10. The Test of a Wife's Chastity and the Penalty for Unchastity, Dt. 22[13-21], Nu. 5[29, 13b, 30a, 14b, 30b, 16, 17, 19, 20, 22, 25, 26b, 27a, 28]

Deuteronomic Codes

Procedure in case of unchastity

Dt. 22 [13]If, after a man has married a wife and entered into marital relations with her, he turn against her, [14]and frame against her shameful

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§ 9 This law has many peculiarities and few points of contact with the original priestly legislation. It is more akin to the later rabbinical discussions, and, therefore, is probably a very late addition to the Pentateuch. It clearly illustrates the secondary place assigned to women by oriental custom: even in assuming religious obligations the wife must have the approval of her husband.

[i] Nu. 30[13] Lit., *to afflict herself, i. e.*, some form of abstinence; usually fasting is intended, cf. Is. 58[3, 5], Ps. 35[13].

j 30[15] *I. e.*, tries to annul her vows after he has tacitly endorsed them.

k 30[15] Gk. and Sam., *his.*

§ 10 Among the Arabs to-day and in the villages of Palestine, the evidences of a bride's chastity are still displayed, cf. Buckhardt, *Arab Proverbs*, 117; *Bedouins*, I, 266. Although the absence of this evidence is not necessarily a positive proof of unchastity, the crude law of the nomad still accepts it as a sufficient cause for divorce. The law in Dt. 22[13-21] clearly reflects exceedingly primitive usage. Possibly still more primitive—certainly more barbarous—is the ordeal proposed in Nu. 5 to satisfy the jealous suspicions of a husband regarding his wife's chastity. The duplication of parallel and yet distinctly variant phrases, the evidence of different points of view, and in general the prolixity of the present law reveal the presence here of two originally distinct laws; one proposing a test by ordeal to determine whether the suspected wife is guilty or innocent, the other outlining a method of punishing by ordeal a wife whose guilt is already established. The latter law is given under § 70, which deals with adultery.

The law of jealousy was probably introduced in Nu. 5 by one of the later priests. Similar rites were in vogue among many primitive peoples, *e. g.*, the Hindus, cf. *The Laws of Manu*, IX–XIV; the Greeks, cf. Frazer's *Pausanias' Description of Greece*, IV, 175 ff., 253 ff. Among the negroes of West Africa *the bitter water* (probably containing poisonous herbs) figures, cf. Ratzel, *Völkerkunde* II, 55, 349. In Japan an accused man is made to drink water in which paper inscribed with a certain character has been dipped. This is supposed to cause him pain until he confesses his guilt. Cf. Gray, *Numbers*, 44, 45 for additional illustrations.

Like all trials by ordeal, the injustice to the innocent is obvious. In the case of the guilty the appeal to superstitious fear undoubtedly often revealed the culprit. Probably this and the sacred lot are only two of the many similar rites which were in force among the early Hebrews. The Code of Hammurabi dealt with the problem much more simply and humanely:

§ 131 *If a man's wife has been accused by her husband, and has not been caught lying with another, she shall swear her innocence, and return to her house.*

An older custom, however, strikingly similar to the Hebrew law in that it provides for trial by ordeal, is found in the same code:

§ 132 *If a man's wife has the finger pointed at her on account of another, but has not been caught lying with him, for her husband's sake she shall plunge into the sacred river.*

Deuteronomic Codes

charges, and give her an evil name and say, I married this woman, and when I came near to her, I did not find in her the evidences that she was a virgin, [15]then the father of the young woman and her mother shall take and bring evidences of the young woman's virginity to the elders of the city at the gate; [16]and the young woman's father shall say to the elders, I gave my daughter to this man as wife, and he turned against her; [17]and now see he hath framed shameful charges saying, 'I did not find in thy daughter the evidences that she was a virgin,' and yet these are the evidences of my daughter's virginity. Then they shall spread the garment before the elders of the city. [18]And the elders of that city shall take the man and punish him; [19]and they shall fine him a hundred shekels of silver, and give them to the young woman's father because the man hath given an evil name to a virgin of Israel; and she shall be his wife; he may not divorce her as long as he liveth.

Penalty if the wife is guilty

[20]But if it prove to be true that the evidences that the young woman was a virgin were not found, [21]then they shall bring out the young woman to the door of her father's house, and the men of her city shall stone her to death because she hath committed a shameful act in Israel, in that she hath been a harlot in her father's house; thus shalt thou purge out the evil from thy midst.

Supplemental Priestly Codes

Trial by ordeal

Nu. 5 [29]This is the law of jealousy: If a wife who is subject to her husband turn aside and is defiled, [13b]and she remain undiscovered although she be defiled,[1] [30a]or if the spirit of jealousy seize a man and he be jealous of his wife, [14b]even though she be not defiled, [30b]then he shall set the woman before Jehovah and the priest shall execute upon her all this law: [16]the priest shall bring her near, and set her before Jehovah; [17]and the priest shall take holy water in an earthen vessel, and the priest shall take some of the dust that is on the floor of the dwelling and put it into the water. [19]Then the priest shall take oath of her, and shall say to the woman, If no man has lain with thee, and if thou hast not gone aside to uncleanness, while subject to thy husband, thou shalt be immune from this water of bitterness that causeth the curse. [20]But if thou hast gone aside, while subject to thy husband, and defiled thyself, and some man has lain with thee besides thy husband, [22]when this water that causeth the curse shall go into thy bowels, it shall cause thy body to swell, and thy thigh to fall away. And the woman shall say, So may it be! So may it be! [25]Then the priest shall take the cereal-offering of jealousy out of the woman's hand, and shall wave the cereal-offering before Jehovah, and bring it to the altar.[m] [26b]Afterward he shall make the woman drink the water.[n] [27a]And when he hath made her drink the water, if she be defiled and hath been unfaithful to her husband, the water that

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[1] Nu. 5[13b] Fragments of the original law of jealousy are found in [13, 14]. These have been gathered up and repeated by the editor in [30]. On the basis of [13b, 14, 30] the original can be restored as above. Cf. Carpenter and Harford-Battersby, *Hexat.*, II, 192.

[m] Nu. 5[25] Possibly the last clause belongs to the duplicate narrative.

[n] Nu. 5[26b] This clause is omitted in the Gk. and Syr.

Supplemental Priestly Codes

causeth the curse shall enter into her and become bitter, and her body shall swell, and her thigh shall fall away. [28]But if the woman have not defiled herself, but be innocent, then she shall be free and shall bear offspring.

§ 11. **Laws of Divorce** Gen. 2$^{18, 23, 24}$, Ex. 21$^{7-11}$, Dt. 22$^{18, 19, 28, 29}$, 24$^{1-4}$

Primitive Codes

Gen. 2 [18]Then said Jehovah, It is not good for man to be alone; I will make a helper suited to him. [23]Then said the man,

This, now, is bone of my bone
And flesh of my flesh.
This one shall be called woman,
For from man was she taken.

The natural basis and sanctity of the marriage relation

[24]Therefore a man leaves father and mother and cleaves to his wife, so that they two become one flesh.

Ex. 21 [7]If a man sell his daughter to be a slave, she shall not go free as do the male slaves. [8]If she does not please her master, who hath espoused her to himself, then he may let her be redeemed; he shall have no power to sell her to a foreign people, seeing he hath dealt deceitfully with her. [9]If he espouse her to his son, he shall deal with her as with a daughter. [10]If he marry another wife, her food, her raiment, and her duty of marriage shall he not diminish. [11]If he do not these three things to her, then she may go out without having to pay any money.

Rights of a Hebrew slave married to her master

Deuteronomic Codes

Dt. 22 *If a man shall charge his newly-wedded wife with unchastity and her innocence be established,* [18]the elders of that city shall take the man and punish him; [19]and they shall fine him a hundred shekels of silver and give them to the young woman's father because the man has given an evil name to a virgin in Israel; and she shall be his wife; he may not divorce her as long as he lives.

Cases in which a wife may not be divorced

[28]If a man findeth a young woman, who is a virgin but is not betrothed, and lay hands on her, and lie with her, and they be found, [29]then the man who lay with her shall give to the young woman's father fifty shekels of

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§ 11 The inferior position of the wife was an established canon in the ancient Semitic world. Since she was conceived of as the possession of her husband, his right of divorcing her was taken for granted. Even the modern Arab has only to lead his wife to the door of his tent and tell her to go and the marriage relation is severed.

The Hebrew lawgivers sought, as did Hammurabi, to interpose barriers in the way of hasty divorce. To this end they emphasized the sanctity of the marriage relation; and protected the rights of the female slave who had been made her master's wife. They also required the husband to formulate in writing the reasons for divorcing his wife and to give her this document. No provision is made that she may secure redress if the charge is false or insufficient; possibly this was left to her family or clan. The time and formality required to draw up a written charge would in itself be a powerful deterrent. The further provision that a divorced wife could not be taken back by her former husband also prevented hasty action.

The Code of Hammurabi marks a still greater advance over the primitive Semitic usage in regard to marriage. Cf. Appendix III. It even goes so far as to provide that the husband must pay alimony in case the divorced wife was not unfaithful. More surprising still, it enacts (§ 142) that, for sufficient cause, the wife could repudiate her husband and take her marriage-portion and return to her father's home.

Deuteronomic Codes

silver, and she shall be his wife, because he hath humiliated her; he may not divorce her as long as he lives.

Process and limitations of divorce

24 [1]When a man taketh a wife, and marrieth her, if she find no favor in his eyes, because he hath found some indecency[o] in her, he shall write her a bill of divorce,[p] and deliver it into her hand, and send her out of his house. [2]And when she departeth out of his house, she may go and become another man's wife. [3]But if the second husband turn against her and write her a bill of divorce and deliver it into her hand, and send her out of his house, or if the second husband who took her to be his wife die, [4]her first husband who sent her away may not take her again to be his wife[q] after she is defiled; for that is an abomination before Jehovah, and thou shalt not involve in guilt the land which Jehovah thy God is about to give thee as an inheritance.

III

MASTERS AND HIRED SERVANTS

§ 12. Rights of Hired Servants, Dt. 24[14, 15], Lev. 19[13b], 25[6], 22[10b]

Deuteronomic Codes

Fair dealing with hired servants

Dt. 24 [14]Thou shalt not oppress a hired servant who is poor and needy, whether he be one of thine own race, or of the resident aliens who are in thy land within thy town. [15]On the same[a] day shalt thou pay him his wages before the sun goeth down; for he is poor and setteth his heart upon it, and let him not cry against thee to Jehovah, and thou be guilty of a crime.[b]

Holiness Code

Payment of wages

Lev. 19 [13b]The wages of a hired servant shall not remain with thee over night until the morning.

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[o] Dt. 24[1] Lit., *the nakedness of a thing.* The reference is probably to indecent or immodest action. The exact meaning of the term was the subject of much discussion and difference of opinion among the Rabbis, cf. the Mishna tractat, *Gittin.*

[p] 24[1] Lit., *a writ of cutting off.*

[q] 24[4] The law seems to regard this second marriage as almost equivalent to adultery. It is closely connected with the teaching of Jesus in Mt. 5[32].

§ 12 The spirit of justice and consideration that characterizes the O.T. laws is here especially prominent. The enactments aim simply to protect the rights of hired servants. This was necessary, since they were usually either poor or else foreigners, and therefore not possessed of the full rights of citizenship. In the later codes hired servants are always classed with aliens and excluded from the distinctively Israelitish religious privileges, indicating perhaps that at that time they were without exception foreigners. They were never adopted into the families of the Hebrews, as were the slaves, and therefore were not given the same rights. From Lev. 25[35] and Is. 21[16] it appears that hired servants frequently engaged their services for a year. Is. 16[14] makes the regular period three years—half that of a slave. From Dt. 24[14, 15] and Job 14[5, 6] it is evident that the contract might be by the day or month. The significant point is that it was always for a stipulated period and that, for the time fixed, the obligations of the servant were probably very similar to those of a slave.

[a] Dt. 24[15] Heb., *this.*

[b] Dt. 24[15] Lit., *it be sin in thee.* The expression is peculiar to Dt.

Holiness Code

25 [6]The sabbath of the land shall be for food for you; for thee and for thy male and female slave, and for thy hired servant and for the settler who resideth with thee. Privileges

22 [10b]A hired servant shall not eat of that which is holy.[c] Limitations

IV

SLAVES AND MASTERS

§ 13. Enslavement of Israelites and Resident Aliens, Lev. 25[39, 40a, 43-46]

Holiness Code

Lev. 25 [39]If thy fellow countryman become poor and sell himself to thee, thou shalt not make him serve as a slave. [40a]As a hired servant and as a settler shall he be to thee. [43]Thou shalt not rule over him with harshness, but thou shalt fear thy God. Consideration for Hebrew slaves

Supplemental Priestly Codes

Lev. 25 [44]Any male or female slave, whom ye may have, ye shall buy of the nations that are round about you. [45]You may also buy them of the descendants of the settlers who reside among you, and of their families that are with you, that have been begotten in your land; and they shall be your possession. [46]Ye may also make them an inheritance for your children after you, to hold as a possession; ye may make them serve as slaves forever; but over your kinsmen the Israelites ye shall not rule with harshness one over another. Foreigners, but not Hebrews, to be held as slaves

§ 14. Permanent Slavery, Ex. 21[5, 6], Dt. 15[16, 17]

Primitive Codes

Ex. 21 [5]If a slave shall definitely say, I love my master, my wife, and my children, I will not go free, [6]then his master shall bring him before The custom of piercing the ear

[c] Lev. 22[10b] *I. e.*, parts of the offerings which the Heb. offerers and the priests were allowed to eat.

Slaves and Masters.—The institution of slavery may be traced to the earliest period of Semitic history. Some of the oldest Babylonian tablets relate to the sale of slaves. The laws regulating this ancient institution were most of them established ages before the Hebrews appeared on the horizon of history. It was one of the chief corner-stones of Semitic society. In general it represented not so much the oppression as the protection of the weak by the strong. It was the chief refuge of the poor, the weak and the unfortunate, for which antiquity otherwise made little provision. Since it was so common and apparently so natural, little stigma attached to it. The position and rights of slaves in the ancient East were far superior

§ 13 While slavery probably arose from the custom of taking captives in war, in later times it appears, in nine cases out of ten, to have been the result of poverty. It is assumed as an established institution by the O.T. lawgivers; they simply endeavored to ameliorate its harshness. The very late priestly writers endeavored to restrict it entirely to foreigners. The original Holiness Code, however, appears to have simply enjoined consideration in the treatment of Hebrew slaves.

§ 14 The mildness and comparative advantages of the Hebrew institution of slavery are vividly illustrated by these laws. The choice of liberty, however was not without its heavy restrictions, for individual freedom meant the abandonment of wife and children. Under this strong pressure many Israelites undoubtedly preferred to assume the permanent badge of slavery.

Primitive Codes

God,[a] and shall lead him to the door, or the door-post, and his master shall bore through his ear with an awl; and the man shall be his slave as long as he liveth.

Deuteronomic Codes

The later custom

Dt. 15 [16]If a slave says to thee, I will not go out from thee, because he loveth thee and thy household, and because he is contented with thee, [17]then thou shalt take an awl and thrust it through his ear into the door, and he shall be thy slave forever. Thou shalt also do the same in the case of thy female slave.

§ 15. Sale of Slaves, Ex. 21[7, 8]

Primitive Codes

Limitations of sale of female slaves

Ex. 21 [7]If a man sell his daughter to be a slave, she shall not go free as do the male slaves. [8]If she does not please her master, who hath espoused her to himself, he may let her be redeemed; only he shall have no power to sell her to a foreign people, seeing he hath dealt deceitfully with her.

§ 16. Manumission of Israelitish Slaves, Ex. 21[2-4, 26, 27], Dt. 15[12-15, 18], Lev. 25[10]

Primitive Codes

Release after six years

Ex. 21 [2]If a man[b] buy a Hebrew slave, he shall serve six years, but in the seventh year he shall go free without having to pay any ransom. [3]If

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to those in Rome or in modern times. In Babylonia, as in Israel, slaves were carefully guarded by law and common interests, so that their lot was very similar to that of trusted family servants to-day. In the East obedience to authority has always been emphasized more than the idea of personal liberty. The individual attained his true glory not by standing alone, but as an integral part of an illustrious family or tribe or nation. Each in turn recognized his responsibility to the whole, and, therefore, cruel masters and disloyal slaves appear to have been comparatively rare. Faithful slaves enjoyed most of the privileges shown the children of the household, and often intermarried into the family. They were also sometimes made the heirs of childless masters, cf. Gen. 15[2].

[a] Ex. 21[6] Probably to the family gods or penates placed in early times beside the door. Cf. Ex. 12[7], and for a survival of the institution, Is. 57[8]. The parallel in Dt. omits the reference to the household god, but preserves the same primitive ritual. It probably symbolized the initiation of the slave into the worship of the household god, and, therefore, his complete admission into the family. This rite was a very common one in antiquity, especially among the Arabians, Lydians, Carthaginians and Mesopotamians.

§ 15 The reason for this law is found in the fact that female slaves apparently were always made the wives or concubines of the master or of some immediate member of his family and thereby were raised to a position above that of the ordinary slave.

[b] Ex. 21[2] Heb., *thou*, but in all other civil laws the third person is used. cf. Introd., p. 23. Evidently here the *thou* has been introduced by a scribe who was influenced by the use of the second person in [1].

§ 16 In the old Babylonian society there does not appear to have been any provision for the release of slaves at the end of an appointed time. The O.T. law assumes that at the end of six years the Hebrew slave will have paid his debt or expiated the penalty which led to his enslavement. The Deuteronomic law goes further and urges that the master provide his manumitted slave with the means necessary to begin again his independent life. The account in Jer. 34 of the reluctant liberation of their slaves by the citizens, under the pressure of a siege, in order to win Jehovah's favor, and their shameless repudiation of their solemn promise when the crisis was over, indicate that this law was probably never strictly enforced. It embodied an ideal too high for the people as a whole to attain, and yet its presence even in the oldest codes is most significant. The later priestly codes substituted, in practice at least, the very different and less strenuous law that at the end of every forty-nine (7x7) years all slaves should be freed. While less just, it apparently gave greater promise of being enforced, for enforcement would depend not upon the action of individual masters at the end of six years of service, but

Primitive Codes

he came in single, he shall go out unmarried; if he be married, then his wife shall go out with him. ⁴If his master give him a wife and she bear him sons or daughters, the wife and her children shall be her master's, but the man shall go out by himself.

The indemnity for serious personal injury

²⁶If a man smite the eye of his male slave or the eye of his female slave so that it is destroyed, he shall let him go free for his eye's sake. ²⁷And if he knock out a tooth of his male or female slave, he shall let him go free for his tooth's sake.

Deuteronomic Codes

Injunction to be generous to the liberated slave

Dt. 15 ¹²If one of thine own race, a Hebrew man or a Hebrew woman, be sold to thee, he shall serve thee six years; then in the seventh year thou shalt let him go free. ¹³And when thou lettest him go free, thou shalt not let him go empty-handed; ¹⁴rather thou shalt furnish him liberally[c] from thy flock, and thy threshing-floor, and thy winepress; according as Jehovah thy God hath blessed thee thou shalt give to him.[d] ¹⁵And thou shalt remember that thou wast a slave in the land of Egypt, and that Jehovah thy God redeemed thee: therefore I now command thee to do this thing. ¹⁸It must not seem hard to thee, when thou lettest him go free, for to the value of double the hire of a hireling hath he served thee six years;[e] and thus Jehovah thy God will bless thee in all that thou doest.

Supplemental Priestly Codes

Release for all Israelites in the year of jubilee

Lev. 25 ¹⁰Ye shall set apart as sacred the fiftieth year, and proclaim liberty throughout the land to all its inhabitants. It shall be a year of jubilee for you, and ye shall return each to his possession, and ye shall return each to his family.

§ 17. Redemption of Israelitish Slaves, Lev. 25⁴⁷⁻⁵⁵

Supplemental Priestly Codes

Israelitish slaves to be redeemed from foreigners at any time

Lev. 25 ⁴⁷If a foreigner or alien residing with thee become rich and thy fellow countryman become poor beside him and sell himself to the

upon the united action of the community, so that any failure to observe it would be readily recognized. It was accompanied by the law that no Hebrew be enslaved (§ 4); hence in theory, at least, this late law was unnecessary when first promulgated. Cf. for the probable origin of the year of jubilee, note § 113.

[c] Dt. 15¹⁴ Lit., *surround with a necklace, i. e.*, load him down with treasures.

[d] Dt. 15¹⁴ In this deeply philanthropic law the older regulations of Ex. 21³, ⁴ regarding the children and wife acquired by the slave in servitude are ignored.

[e] Dt. 15¹⁸ *I. e.*, if a hired laborer had been engaged in his stead the expense would have been double the cost of the slave.

§ 17 This law reflects the impoverished and pitiable condition of the Jews which resulted from the Babylonian exile. Nehemiah found in his day that many had been sold as slaves to foreigners, and he states that he and his followers, according to their means, had redeemed their fellow Jews who had been enslaved. This law, with the exception of ⁴⁷, ⁵⁵c, which was original to the Holiness Code, probably comes from the general period of Nehemiah or soon after. It provides for the redemption of Jews from foreign masters, whenever the slave or his kinsmen could provide the necessary means. Naturally it could be enforced only within the jurisdiction of the Judean community in Palestine. It also emphasized the responsibility of procuring the liberation of an enslaved Jew whenever that was possible.

Babylonian usage suggested the principles underlying this late regulation. Cases are on record of Babylonian slaves buying their own freedom. A member of a noble family who

Supplemental Priestly Codes

foreigner or alien residing with thee, or to a descendant of the foreigner's family, [48]he may be redeemed after he has sold himself; one of his kinsmen may redeem him; [49]or his uncle, or his uncle's son may redeem him; or one of his near family kinsmen may redeem him: or, if he become rich, he may redeem himself. [50]And he shall reckon with his purchaser from the year that he sold himself to him to the year of the next jubilee; and the price of his release shall be according to the number of years of service on the same terms as a hired servant shall he be with him. [51]If there are yet many years, in proportion to them shall he give back the price of his redemption out of the money for which he was bought. [52]And if there remain but a few years until the year of jubilee, then he shall reckon with him; according to the years of service still remaining shall he pay back the price of his redemption.[f]

To be treated kindly and released in the year of jubilee

[53]As a servant hired by the year shall he be with him; thou shalt not look on quietly while he rules him harshly. [54]And if he be not redeemed in any of these ways, then he shall go free at the year of jubilee together with his children. [55]For to me the Israelites are servants; they are my servants whom I brought out of the land of Egypt: I am Jehovah your God.

§ 18. Reception of Fugitive Slaves, Dt. 23[15, 16]

Deuteronomic Codes

Protection and consideration

Dt. 23 [15]Thou shalt not deliver to his master a slave who has fled from his master to thee. [16]He shall dwell with thee in thy land, in the place which he shall choose within one of thy towns, where it pleaseth him best, without your oppressing him.

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through some accident had been enslaved, could at any time be redeemed by that family and the master could not prevent it. In Persian times a member of the conquering race could not be legally enslaved. Cf. Johns' *Babylonian and Assyrian Laws, Contracts and Letters*, pp. 175, 176.

[f] Lev. 25[52] *I. e.*, he shall multiply the price paid by the number of years yet remaining until the year of jubilee and divide it by the total number of years from the time of his enslavement to the next year of jubilee.

§ 18. This law was probably retained and emphasized by the prophetic lawgivers because, making it possible for slaves to escape from cruel masters, it tended to relieve their lot. In its origin it probably goes back to the nomadic period, when one tribe eagerly welcomed fugitives from a hostile tribe. It may also reflect the readiness of the Hebrews in later days to receive foreign additions to their ranks, since numbers were vitally necessary to their supremacy in the close competition which was always waged for the limited territory of Palestine. The flight of Shimei's slaves to Achish king of Gath, I Kgs. 2[39], illustrates what was probably a common practice.

Among the Hebrews themselves the enforcement of this law must have been beset with many complications. It is also counter to the laws of Hammurabi which are very explicit and strict on this point:

§ 16 *If a man has harbored in his house a male or female slave from a patrician's or plebeian's house, and has not caused the fugitive to leave on the demand of the officer of the slaves condemned to public forced labor, that householder shall be put to death.*

§ 17 *If a man has caught either a male or female runaway slave in the open field and has brought him back to his owner, the owner of the slave shall give him two shekels of silver.* § 18. *If such a slave will not name his owner, his captor shall bring him to the palace, where he shall be examined as to his past and returned to his owner.* § 19. *If the captor has secreted that slave in his house and afterward that slave has been caught in his possession, he shall be put to death.* § 20. *If the slave has fled from the hands of his captor, the latter shall swear to the owner of the slave and he shall be free from blame.*

The wide variations illustrate the very different estimates placed on the value of property and the diverse points of view of the two legal systems.

§ 19. Penalty for Injury Done to Slaves, Ex. 21[20, 21, 26, 27]

Primitive Codes

Ex. 21 [20]If a man strike his male or female slave with a stick so that he die at once, the master must be punished. [21]If, however, the slave[g] survive a day or two the master shall not be punished, for it is his own loss. Fatal injury by master

[26]And if a man strike his male or female slave in the eye so as to destroy it, he shall let him go free for his eye's sake. [27]And if he knock out a tooth of his male or female slave, he shall let him go free for his tooth's sake. Permanent injury

§ 20. Reparation for Injury Done to Slaves, Ex. 21[32]

Primitive Codes

Ex. 21 [32]If an ox gore a male or female slave, then thirty shekels of silver shall be given to their master, and the ox shall be stoned. Injury by an ox

§ 21. Religious Privileges of Slaves, Dt. 12[17, 18], 16[10, 11], Ex. 12[43b, 44]

Deuteronomic Codes

Dt. 12 [17]Thou mayst not eat within thine own gates the tithe of thy grain or thy new wine, or thine oil, or the firstlings from thy herd or thy flock, nor any of thy vows which thou vowest, nor thy voluntary offerings, nor anything which thou presentest as a gift; [18]but thou shalt eat them before Jehovah thy God in the place which Jehovah thy God shall choose, together with thy son and thy daughter, and thy male and female slaves, and the Levite who is within thy city; and thou shalt rejoice before Jehovah thy God over all that thou hast acquired. To share the tithes and the sacrificial feasts

16 [10]Thou shalt keep the feast of weeks to Jehovah thy God according to the measure of the voluntary offerings which thy hand shall present, in proportion as Jehovah thy God hath blessed thee. [11]Thou and thy son and thy daughter, thy male and female slaves, and the Levite who dwelleth in thy town, and the resident alien, the fatherless and the widow who live with thee, shall rejoice before Jehovah in the place where Jehovah thy God shall choose to have his name dwell. To share in feast of weeks

Priestly Codes

Ex. 12 [43b]This is the regulation regarding the passover: [44]Each man's slave, who is bought for money, after thou hast circumcised him, shall partake of the passover meal. In passover feast

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§ 19 These laws mark a distinct advance over current Semitic usage. The Code of Hammurabi simply protects the rights of masters and says nothing about the rights of slaves. Although under the Heb. laws the injury to a slave was not punished as severely as one to a free man or woman, it is exceedingly significant that it was punished at all. The distinction in the penalty is further illustrated by the law of Lev. 19[20] (cf. § 71), which provides that illicit intercourse with a betrothed female slave shall be punished, but not by death as in the case of free men and women.

[g] Ex. 21[21] Supplying its implied subjects. In the original only the personal pronouns are used.

§ 20 The Code of Hammurabi further enacts that if a slave die as the result of an operation, the surgeon must give another slave to the master, § 219.

§ 21 Since slaves were regarded as regular and permanent members of an Israelitish family, they were accorded full religious privileges, whether aliens or Hebrews by birth.

V

ALIENS

§ 22. Rights and Duties of Resident Aliens, Ex. 22[21] [23[9]], Dt. 24[14, 17, 18], 1[16], 27[19], Lev. 25[47, 48a, 53], 19[33, 34], 24[22], Nu. 15[29, 30], 35[15], 15[14-16], 9[14]

Primitive Codes

Justice and protection

Ex. 22 [21]Thou shalt not wrong nor oppress a resident alien; for ye were resident aliens in the land of Egypt.

Deuteronomic Codes

Dt. 24 [14]Thou shalt not oppress a hired servant who is poor and needy, whether he be one of thy fellow countrymen or one of thy resident aliens who are in thy land within thy gates. [17]Thou shalt not pervert the justice due to the resident alien, or to the fatherless, nor take the widow's garment in pledge; [18]but thou shalt remember that thou wast a slave in Egypt and that Jehovah thy God redeemed thee from there. Therefore I command thee to do this thing. **1** [16]And I charged your judges at that time, saying, Hear the cases between your fellow countrymen, and judge righteously between a man and his fellow countryman and the alien who resideth with him.

Public condemnation of injustice

27 [19]Cursed be the one who perverteth the justice due the resident alien, fatherless, and widow. And all the people shall say, So may it be!

Holiness Code

Not to hold permanently nor oppress a Hebrew slave

Lev. 25 [47]If an alien or the one living with thee become rich and thy fellow countryman become poor beside him, and sell himself to the alien or the one living with thee, or to a descendant of the alien's family, [48a] he may after he is sold be redeemed; one of his kinsmen may redeem him.[a] [53]As a hired servant year by year shall he remain with him; thou shalt not look on quietly while the resident alien rules him harshly.[b]

Aliens.—True to their early nomadic instincts, the Israelites were generous in their treatment of aliens who came to seek their protection and hospitality. They distinguished sharply, however, between a foreigner (*ben nekhar*), one who retained his allegiance to his own tribe or nation, the protection of which he therefore continued to enjoy, and the resident alien (*gêr*) who had taken up his permanent abode in and placed himself under the protection of an Israelitish tribe. Their attitude toward aliens also underwent great transformations in succeeding ages under the influence of the stirring political experiences through which they passed.

§ 22 The resident alien figures prominently in Israelitish legislation. Usually he was one who had been attracted by the tribe of his adoption either through intermarriage or trade, or to escape debt at home or the consequences of a crime, or simply impelled by a desire to better his condition. The Hebrews were always ready to welcome such, for it tended to increase their numbers and strength in warring Palestine where peace was won only by constant warfare.

Naturally the resident alien came without wealth or family support. Accordingly he was treated as a ward of the community and each succeeding code grants him greater rights and privileges. The Deuteronomic codes seek to insure to him not only justice but kindness, love and practical charity. In the Holiness and priestly codes, he is granted religious rites equal to those of the native Israelites, provided he submits to the rite of circumcision. With these comes equal responsibility in keeping Israel's law. Through this wide open door in later times foreign proselytes passed the high wall of separation and became identified with the Jewish community.

[a] Lev. 25[48a] Vs. [53] appears to have been the original sequel of [47]. Vss. [48a, ff] are later additions.

[b] Lev. 25[53] Lit., *rule harshly over him in thy sight.*

Holiness Code

19 [33]If an alien make his home with you in your land, ye shall do him no wrong. [34a]The alien who makes his home with you shall be to you as the native born among you. **24** [22]Ye shall have the same law for the resident alien as for the native born: for I am Jehovah your God.

Equal rights with Israelites

Priestly Codes

Nu. 15 [29]Ye shall have the same law for him who doeth anything unintentionally, for him who is native born among the Israelites, and for the alien who makes his home among them. [30]But whoever doeth anything defiantly,[c] whether he be native born or a resident alien, the same revileth Jehovah; that one shall be cut off from among his people.[d] **35** [15]For the Israelites and for the foreigner and for the alien residing among them, there shall be six cities as a place of refuge; that every one who killeth any person unintentionally may flee to them.

Resident aliens subject to same laws as the native Israelites

15 [14]If an alien reside among you, or if any one else be among you throughout your generations, and wish to present an offering made by fire of an odor pleasing to Jehovah, as ye do, so shall he do. [15]There shall be but one statute for the assembly,[e] both for you and for the alien who resideth among you,[f] a statute forever throughout your generations; ye and the resident alien shall both be alike before Jehovah. [16]There shall be one law and one regulation for you, and for the alien who resideth among you.

To observe same sacrificial customs

9 [14]If an alien reside among you, and wisheth to keep the passover to Jehovah, according to the regulations governing the passover, and according to its ordinance, shall he do; ye shall have one statute, both for the resident alien, and for him who is native born.

Also the passover regulations

§ 23. Limitations and Rights of Foreigners, Dt. 15[3a], 23[20a], 14[21a, c], Ex. 12[43]

Deuteronomic Codes

Dt. 15 [3a]Of a foreigner thou mayest exact [a loan even during the seventh year of release]. **23** [20a]To a foreigner thou mayest lend upon interest; but not to a fellow countryman.

To pay interest at all times

14 [21a, c]Ye shall not eat of anything that dieth of itself, but thou mayest sell it to a foreigner.

Allowed to eat unclean food

Priestly Codes

Ex. 12 [43]And Jehovah said to Moses and Aaron, This is the ordinance of the passover: no foreigner shall eat of it.

Excluded from passover feast

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[c] Nu. 15[30] Lit., *with a high hand.*

[d] Nu. 15[30] *I. e.*, placed under the ban, deprived of the privileges of the clan and driven from the tribe or community.

[e] Nu. 15[15] *For the assembly* is missing in the Syr. and Lat., and may be a gloss or due to dittography.

[f] Nu. 15[15] *Among you*, found in Gk., not in Heb.

§ 23 The Heb. word commonly used to designate an unnaturalized foreigner means lit., *stranger*, and was applied to gods, men and lands. It included all not identified by birth or choice or possession with Israel. Unlike the resident alien, the foreigner had no rights in the land. From the days of Moses everyone and everything foreign was viewed askance. The bitter experiences of the Babylonian exile deepened the feeling of hatred.

B

Rights of Property

§ 24. Restoration of Lost Property, Ex. 23[4, 5], Dt. 22[1-4]

Primitive Codes

Property even of enemy to be protected

Ex. 23 [4]If thou meet thine enemy's ox or ass going astray, thou shalt surely bring it back to him again. [5]If thou see the ass of him who hateth thee lying prostrate under its burden, thou shalt in no case[g] leave it in its plight; rather thou shalt, together with him, help it out.[h]

Deuteronomic Codes

Later version of the above law

Dt. 22 [1]Thou shalt not see thy fellow Israelite's ox or his sheep going astray, and withhold thy help[i] from them; thou shalt surely bring them again to thy brother. [2]And if thy fellow Israelite do not live near thee, or if thou do not know him, then thou shalt bring it home to thine house, and it shall be with thee until thy fellow Israelite seek after it; then thou shalt restore it to him again. [3]Thus shalt thou do with his ass, and with his garment, and with every lost thing which belongeth to thy fellow Israelite, which he hath lost and thou hast found; thou mayst not withhold thy help. [4]Thou shalt not see thy fellow Israelite's ass or his ox fallen down by the way and withhold thy help from them; thou shalt surely help him to lift them up again.

§ 25. Reparation for Damage or Loss of Property, Ex. 21[28-36], 22[7-15], Lev. 24[18, 21a], 6[1-5]

Primitive Codes

Damage resulting from one's carelessness

Ex. 21 [33]If a man open a cistern, or if a man dig a cistern but doth not cover it, and an ox or an ass fall into it, [34]the owner of the cistern shall make it good; he shall give money to the owners and the carcass shall be his. **22** [5]If a man burn over a field or vineyard and let the fire[j] spread so that it

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Rights of Property.—In the light of the later commercial habits of the Hebrews, it is interesting to note that their laws have comparatively little to say about property and property rights: only a few simple directions, evidently coming from the early nomadic period, survive. They probably sufficed, however, to guide judges in the more complicated cases that later arose. The Deuteronomic lawgivers were primarily interested in maintaining the rights of the needy and oppressed, while the authors of the priestly law were chiefly concerned with the development of the ritual, so that the reason for their silence is evident. Life and worship, not things, interested them.

§ 24 The high ethical note struck in the primitive codes, which enjoin kindness to an enemy, is astonishing (cf. § 115), especially as the Deuteronomic codes substitute, *fellow Israelite*. The reason for the substitution is probably to make the law applicable to all cases.

[g] Ex. 23[5] Restoring the corrupt Heb. with the aid of Gk. and Luc., which have retained the negative.

[h] Ex. 23[5] Following a reconstructed text suggested by the Gk. and Luc. and supported by the context.

[i] Dt. 22[1] Lit., *hide thyself*.

§ 25 The corresponding principles operative in the Bab. system are illustrated by the laws of Hammurabi found in Appendix IV. In general the penalties are much more severe in the Babylonian code.

[j] 22[5] At an early period the text of this verse was misunderstood and is generally misinterpreted. The current interpretation makes a domestic animal, instead of fire, that which destroys the vineyard. Slightly correcting the text the above reading is secured—a reading which is consonant with the context and especially [6].

Primitive Codes

devoureth a neighbor's field, out of the best of his own field, and the best of his own vineyard, shall he make restitution. 6If fire break out and catch in thorns so that the shocks of grain, or the standing grain, or the field are consumed, he that kindled the fire must make restitution.

Fatal injury inflicted by a man's ox

21 28If an ox fatally gore a man or a woman, the ox shall be stoned, and its flesh shall not be eaten, but the owner of the ox shall be acquitted.[k] 29But if the ox was already in the habit of goring, and it hath been reported to its owner, and he hath not kept it in, with the result that it hath killed a man or a woman, the ox shall be stoned, and its owner shall also be put to death. 30If a ransom is fixed for him, he shall give for the redemption of his life whatever amount is determined. 31Whether the ox hath gored a boy or a girl, this law shall be executed.

Injury to a slave

32If the ox gore a male or female slave, thirty silver shekels shall be given to their master, and the ox shall be stoned.

Injury of one ox by another

35If one man's ox hurt another's so that it dieth, then they shall sell the live ox, and divide the money received from it; they shall also divide the carcass between them. 36Or if it be known that the ox was already in the habit of goring, and its owner hath not kept it in, he must pay ox for ox, and the carcass shall belong to him.

Injury to an hired animal

22 14If a man borrow an animal from his neighbor, and it be hurt or die while its owner is not with it, the man must make restitution.[l] 15If its owner be with it, the man need not make it good; being a hired animal, it came for its hire.

Loss of money or personal property held in trust

7If a man deliver to his neighbor money or personal property to keep, and it be stolen out of the man's house, if the thief be found, he shall make double restitution.[m] 8If the thief be not found, then the master of the house shall come before God[n] to prove whether or not he hath taken[o] his neighbor's goods.

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[k] Ex. 21²⁸ Hammurabi's law, § 250, reads: *If a bull has gone wild and gored a man, and caused his death, there can be no suit brought against the owner.*

[l] Ex. 22¹⁴ The Code of Hammurabi is much more explicit:

§ 244 *If a man has hired an ox, or an ass, and a lion has killed it in the open field, the loss falls on its owner.*

§ 245 *If a man has hired an ox and has caused its death, by carelessness, or blows, he shall restore ox for ox, to the owner of the ox.*

§ 246 *If a man has hired an ox, and has broken its leg, or cut its neck (?), he shall restore ox for ox, to the owner of the ox.*

§ 247 *If a man has hired an ox, and knocked out its eye, he shall pay to the owner of the ox half its price.*

§ 248 *If a man has hired an ox, and has broken its horn, cut off its tail, or torn its muzzle, he shall pay one-quarter of its price.*

§ 249 *If a man has hired an ox, and God has struck it, and it has died, the man that hired the ox shall make affidavit and go free.*

[m] Ex. 22⁷ Cf. Hammurabi's Code:

§§ 102, 103 *If the merchant has given money, as a speculation, to the agent, who during his travels has met with misfortune, he shall return the full sum to the merchant. If, on his travels, an enemy has forced him to give up some of the goods he was carrying, the agent shall specify the amount on oath and shall be acquitted.*

[n] Ex. 22⁸ Go to one of the sanctuaries or consult a priest that he may determine through the sacred oracle whether he is guilty or not. The analogy in the Code of Hammurabi is illuminating:

§ 106 *If an agent has taken money of a merchant, and his principal suspects him, that principal shall prosecute his agent, put him on oath before the elders, as to the money taken; the agent shall pay to the merchant threefold what he misappropriated.*

[o] Ex. 22⁸ Lit., *put his hand to.*

The analogies to the Code of Hammurabi are especially close:

§ 120 *If a man has deposited his corn for safe keeping in another's house and it has suffered damage in the granary, or if the owner of the house has opened the store and taken the corn,*

Primitive Codes

Loss of animal held in trust

[10]If a man deliver to his neighbor an ass, or an ox, or a sheep, or any beast, to keep, and it die or be hurt or be driven away without any one's having seen it, [11]an oath sworn by Jehovah shall be between both of them to decide whether or not the one hath taken his neighbor's property; the owner must accept it, and the other need not make restitution. [12]If it be stolen from him, he shall make restitution to its owner. [13]If the animal be torn in pieces, let him bring it as evidence; he need not make good that which was torn.

Procedure in breach of trust

[9]In every case of breach of trust whether it concern ox, or ass, or sheep, or clothing, or any kind of lost thing of which one saith, This is it, the case of both parties shall come before God; he whom God shall condemn shall make double restitution to his neighbor.

Holiness Code

Injury to an animal

Lev. 24 [18]He that smiteth a beast so that it dieth shall make it good, life for life. [21a]And he that killeth a beast shall make it good.

Priestly Codes

General law regarding breach of trust or fraud

Lev. 6 [1]Jehovah spoke thus to Moses,[p] [2]If anyone sin and break faith with Jehovah, by deceiving his neighbor in regard to a deposit, or a pledge, or by robbing or defrauding his neighbor,[q] [3]or if he have found something which was lost, and deny it and perjure himself, if by doing any one of these things a man hath sinned and so is guilty, [4]he shall restore that which he took by robbery, or the thing which he obtained by fraud, or the deposit which was entrusted to him, or the lost thing which he found, [5]or anything about which he swore falsely; he shall restore it in full and shall add to it a fifth more; he shall give it to its rightful owner on the day that he is found guilty.

§ 26. Theory of the Ownership of Land, Lev. 25[23]

Supplemental Priestly Codes

All land held in trust for Jehovah

Lev. 25 [23]The land shall not be sold in perpetuity; for the land is mine, and ye are resident aliens and settlers with me.

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or has disputed the amount of the corn that was stored in his house, the owner of the corn shall declare on oath the amount of his corn, and the owner of the house shall return him double.

§ 124 If a man has given on deposit to another, before witnesses, gold, silver, or any goods whatever, and his claim has been contested, he shall prosecute that man, and [the man] shall return double what he disputed.

§ 125 If a man has given anything whatever on deposit, and, where he has made his deposit, something of his has been lost, together with something belonging to the owner of the house, either by house-breaking or a rebellion, the owner of the house who is in default shall make good all that has been given him on deposit, which he has lost, and shall return it to the owner of the goods. The owner of the house shall look after what he has lost and recover it from the thief.

§ 126 If a man has said that something of his is lost, which is not lost, or has alleged a depreciation, though nothing of his is lost, he shall estimate the depreciation on oath, and whatever he has claimed he shall return double.

[p] Lev. 6[1-5] Heb. 5[20-24].

[q] Lev. 6[2] Intentionally or unintentionally.

§ 26 The theory of the ownership of the land comes from the very late priests and is akin to the idea, expressed in the same context [55], that the Israelites are Jehovah's slaves.

§ 27. Conveyance of Real Property, Lev. 25[15, 16, 34]

Supplemental Priestly Codes

Lev. 25 [15]According to the number of the years after the jubilee thou shalt buy land from thy neighbor, and according to the number of the crops until the next jubilee shall he sell it to thee. [16]If the number of the years be great, thou shalt increase its price, but if the number of years be small, thou shalt reduce its price, for it is the number of the crops that he selleth to thee. Land only sold subject to reversion

[34]But the fields in the pasture land of the cities belonging to the Levites may not be sold, for it is their perpetual possession. No sale of Levitical pasture land

§ 28. Redemption of Hereditary Land, Lev. 25[24-27, 29-32]

Supplemental Priestly Codes

Lev. 25 [24]In all the land of our possession ye shall allow the land to be redeemed. [25]If thy fellow countryman become poor and sell some of his possession, his kinsman who is nearest to him shall come and redeem that which his brother hath sold. Right of kinsman to redeem land

[26]And if a man have no one to redeem it, and he become rich and find sufficient to redeem it, [27]then let him count the years since its sale and refund the value of the remainder [until the year of jubilee] to the man to whom he sold it; thus he may return to his possession. Of seller to redeem it

[29]If a man sell a dwelling house in a walled city, he shall have the right of redeeming it for a whole year after it has been sold; for a year he shall retain the right of redemption. [30]Then if it is not redeemed within a year, the house that is in the walled city shall be assured in perpetuity to him who bought it, to him and his descendants; it shall not be released in the year of jubilee. [31]But the houses of the villages which have no walls around them, shall be reckoned as belonging to the fields of the country; the right of redemption shall be retained for them and they shall be released in the year of jubilee. [32]But in the case of the houses in the cities which belong to the Levites, the Levites shall have the perpetual right of redemption. Redemption of houses in walled cities

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§ 27 This section like the preceding, appears to be a late priestly supplement to the older law of the sabbatical year. Cf. §§ 223, 224. There is no evidence that, in the long period preceding Nehemiah, the law of the year of jubilee, which provided that all land should revert to its hereditary owners, was known; and the proof that it was not in force is conclusive. The present enactment provides that all land shall be sold at a price, proportionate to the number of crops that can be raised on it before it must revert to its original owner.

§ 28 The law in [25] is apparently a very old one and provides that in the case of a forced sale of hereditary land the nearest kinsman shall have the first right of buying it. Jer. 32[7-15] contains an account of some land thus purchased by the prophet Jeremiah from his kinsman. The story of Naboth's vineyard, I Kgs. 21 also illustrates how carefully the hereditary rights were guarded. The later supplemental law, possibly reviving a primitive usage, provides that ancestral lands may be redeemed at any time.

§ 29. Reversion of the Hereditary Land, Lev. 25[13, 28b, 31b, 33] [Nu. 36[3, 4]]

Supplemental Priestly Codes

All land and houses in unwalled towns to revert at the jubilee

Lev. 25 [13]In the year of jubilee ye shall return each to his possession. [28b]At the jubilee [a poor man's land] shall be released and he shall return to his possession. [31b][Houses in villages without a wall] shall also be released at the jubilee. [33]If one of the Levites doth not[r] redeem [his hereditary possession] the house that was sold in the city of their possession shall be released at the year of jubilee; for the houses in the cities of the Levites are their possession among the Israelites.

IV

RIGHTS OF INHERITANCE

§ 30. The Law of Primogeniture, Dt. 21[15-17], 25[5, 6]

Deuteronomic Codes

Double right of eldest son inalienable

Dt. 21 [15]If a man have two wives, the one beloved and the other hated, and both the one who is beloved and the one who is hated have born him children, and if the first-born son belong to her who is hated, [16]on the day that he causeth his sons to inherit that which he hath, he shall not be allowed to give the right of the first-born to the son of the beloved wife to the exclusion of the eldest, the son of the one who is hated; [17]but he shall acknowledge the first-born, the son of the one who is hated, by giving him a double portion[a] of all that he hath, for he is the first product of his strength; the right of the first-born is his.

In case of a Levirate marriage

25 [5]If brothers live together, and one of them die, and have no son, the wife of the deceased shall not be married to a man outside the clan; her husband's brother shall go in to her, and make her his wife, and perform the duty of a husband's brother to her. [6]Then the first son whom she bears shall succeed to[b] the name of the deceased brother, that his name may not become extinct[c] in Israel.

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§ 29 The late priestly point of view is manifest in this law; it aimed to overthrow the prevailing usage, which insured a permanent title to a purchaser. The genesis of the late regulation and its connection with the condition of the returning exiles will be discussed in § 113. Nu. 36[3, 4] contain the only other allusion in the Pentateuch to the year of jubilee, cf. § 32.

[r] Lev. 25[33] The negative has been lost in the Heb. but is restored in the Lat., as the context demands.

Rights of Inheritance.—Customary usage had so established the rights of inheritance among the Israelites that detailed enactments were unnecessary. In the earlier times the property passed to the male heirs, and upon them devolved the obligation to support the mother and the unmarried sisters. If there were no sons, the father's brothers assumed the duties of parents and inherited the property of the deceased. The present laws simply deal with exceptional cases.

§ 30 This law was disregarded by David who appointed Solomon as his successor, even though he was not his oldest son, I Kgs. 1[11-13]. For the Bab. usage cf. Appendix V.

[a] Dt. 21[17] Lit., *mouth of two.*

[b] Dt. 25[6] Lit., *stand upon.*

[c] Dt. 25[6] Lit., *be blotted out.*

§ 31. Rights of Daughters to Inherit, Nu. 27[1-11]

Supplemental Priestly Codes

The traditional case

Nu. 27 [1]There came near the daughters of Zelophehad, the son of Hepher, the son of Gilead, the son of Machir, the son of Manasseh, of the families of Manasseh[d] the son of Joseph; and these are the names of his daughters: Mahlah, Noah, Hoglah, Milcah, and Tirzah. [2]And they stood before Moses and before Eleazar the priest, and before the princes and all the congregation, at the door of the tent of meeting, saying, [3]Our father died in the wilderness, and he did not belong to those who conspired against Jehovah in the company of Korah; but he died in consequence of his own sin; and he had no sons. [4]Why should our father's name disappear[e] from among his family because he had no son? Give us therefore an hereditary possession among our father's kinsmen. [5]So Moses laid their case before Jehovah.

Ruling that inheritances shall pass to nearest kinsmen

[6]Then Jehovah spoke thus to Moses, [7]What the daughters of Zelophehad say is right, thou shalt surely give them an hereditary possession among their father's kinsmen, and thou shalt transfer to them their father's inheritance. [8]Moreover thou shalt speak thus to the Israelites, 'If a man die and have no son then ye shall transfer his inheritance to his daughter. [9]And if he have no daughter, then ye shall give his inheritance to his brothers. [10]And if he have no brothers, then ye shall give his inheritance to his father's brothers. [11]And if his father have no brothers then he shall give his inheritance to the nearest kinsman in his family, that he may possess it.' This shall be an established ordinance[f] for the Israelites, as Jehovah commanded Moses.

§ 32. Heiress to Marry within her Own Tribe, Nu. 36[1-13]

Supplemental Priestly Codes

The traditional case

Nu. 36 [1]The heads of the father's houses of the family[g] of the sons of Gilead, the son of Machir, the son of Manasseh, of the families of the sons of Joseph, came near and spoke before Moses[h] and before the princes, the heads of the father's houses of the Israelites; [2]and they said, Jehovah commanded my lord to give the land by lot as an inheritance to the Israelites; and my lord was commanded by Jehovah to give the inheritance of Zelophe-

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§ 31 It was only in the latest period of O.T. history that daughters were recognized as legal heirs, cf. § 30. The present tradition, which attributes the origin of the institution to Moses, is clearly one of the latest parts of the O.T., and is cited to give authority to this radical but just departure from long established usage. In the Code of Hammurabi definite provision was made for inheritance by daughters. Cf. Appendix V. In Job 42[15] daughters are given equal rights with sons. The account of the carrying out of the traditional precedent in Nu. 27[1-11] is recorded in the late priestly section of Josh. 17[3-6], from which it is clear that the daughters were originally tribes.

[d] Nu. 27[1] *Of the families of Manasseh*, is probably secondary.

[e] Nu. 27[4] Lit., *be taken away, withdrawn.*

[f] Nu. 27[11] Lit., *statute of an ordinance.*

§ 32 This traditional precedent is a supplement of the preceding. Its object is to render it impossible for ancestral property to pass from a clan.

[g] Nu. 36[1] It is possible that for *family* we should here read *families*, cf. 26[30].

[h] Nu. 36[1] Gk. adds, *and, before Eleazar the high priest.*

Supplemental Priestly Codes

had our brother to his daughters. [3]If now they marry any of the sons of the other tribes of the Israelites, then their inheritance will be withdrawn from the inheritance of our fathers and will be added to the inheritance of the tribes to which their husbands belong; thus something will be taken away from the lot of our inheritance. [4]When the jubilee of the Israelites shall come, then their inheritance will be added to the inheritance of the tribe to which their husbands belong; thus their inheritance will be withdrawn from the inheritance of the tribe of our fathers.[i]

Ruling that female heirs shall not alienate property from their clan

[5]Then Moses gave this command to the Israelites in accord with the word of Jehovah: The tribe of the sons of Joseph have spoken right. [6]This is the thing which Jehovah doth command concerning the daughters of Zelophehad, They may marry whom they think best; only they shall intermarry in the family of their father's tribe, [7]so that no inheritance of the Israelites shall pass from one tribe to another tribe; for the Israelites shall retain each the inheritance of the tribe of his fathers. [8]Every daughter who cometh into possession of an inheritance of any tribe of the Israelites, shall become the wife of one of the family of her father's tribe, that the Israelites may possess each the inheritance of his father, [9]and that no inheritance may pass from one tribe to another; for the tribes of the Israelites shall cleave each to his own inheritance.

The traditional precedent

[10]Even as Jehovah commanded Moses, so did the daughters of Zelophehad; [11]for Mahlah, Tirzah, Hoglah, Milcah, and Noah, the daughters of Zelophehad, were married to their father's cousins. [12]They were married into the families of the sons of Manasseh the son of Joseph; and so their inheritance remained in the tribe of their father's family.

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[i] Nu. 36[4] This was probably added by a scribe who had in mind Lev. 25[13-16].

CONSTITUTIONAL LAWS

CONSTITUTIONAL LAWS

A

Political Organization

§ 33. Qualifications for Citizenship, Dt. 23[1-8]

Deuteronomic Codes

Dt. 23 [1]No one who is wounded in the stones or hath his privy member cut off may enter into the assembly of Jehovah.[a] [2]No bastard shall enter into the assembly of Jehovah; even to the tenth generation none of his descendants shall enter into the assembly of Jehovah.

Eunuchs and bastards disqualified

[3]No Ammonite or Moabite shall enter into the assembly of Jehovah; never even to the tenth generation shall one belonging to them enter into the assembly of Jehovah, [4]because they did not meet you with bread and water in the way,[b] when ye came forth from Egypt, and because they hired against thee Balaam the son of Beor from Pethor of Aram Naharaim,[c] to curse thee. [5]Nevertheless Jehovah thy God would not hearken to Balaam; but Jehovah

Also Ammonites and Moabites

Political Organization.—The life of the Hebrews before the exile was so simple that few constitutional laws were necessary. Their political organization was not the result of legislative enactments; it was rather the outgrowth of primitive institutions and an adaptation of these to new needs. The original unit of Hebrew as well as of all Semitic society was the family. In time, by the natural processes of intermarriage and generation, this grew into the clan and tribe. Theoretically all members of the clan or tribe were direct descendants of the same ancestors; but as a matter of fact it contained in the past, as do Arab tribes to-day, many aliens, admitted either through intermarriage or adoption or as slaves. Just as the head of the family was the father, so the most powerful and representative elder was head of the clan or tribe. As to-day, the sheik was usually chosen from a certain leading family; but he was not necessarily succeeded by his oldest son. The ablest man, the one possessing the greatest resources, whether in actual wealth or physical strength or intellectual acumen or personal prestige and influence, was chosen by the members of the tribe as their leader in war, and their arbiter in cases of dispute. It is important to note that his authority was not absolute; it rested on common consent; he was but the servant of the tribal community. His counsellors were the tribal chieftains and elders, who represented the different clans and families.

By almost unconscious stages the kingdom grew out of this simpler institution. In the days of the Judges certain leaders successfully espoused a common cause. Because they brought deliverance and protection their authority was recognized during their lifetime by a local federation of tribes, but at their death the union was dissolved. When, however, the energetic, able Philistines threatened the independence of all the Hebrew tribes, in desperation they called one of their local chiefs, who had demonstrated in a war with the Ammonites his

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[a] Dt. 23[1] This expression evidently means that he shall not share the religious privileges of the temple. A reference to this law is found in Lam. 1[10].

[b] Dt. 23[4] According to the ancient Heb. tradition in Gen. 19[30-38], the Ammonites and Edomites were regarded as bastards. With deeper historical insight, a later editor traces the exclusive attitude to the ancient hostility between the Hebrews and their vindictive neighbors across the Jordan. He may well have had in mind the cruel advantages which they took at the time when Jerusalem was destroyed and the Jews were fugitives or in exile.

[c] Dt. 23[4a] Cf. Nu. 20[19-21].

Deuteronomic Codes

thy God turned the curse into a blessing for thee, because Jehovah thy God loved thee.[d] [6]Thou shalt never seek their peace nor their prosperity all thy days.

But not Edomites and Egyptians

[7]Thou shalt not abhor an Edomite, for he is thy kinsman; thou shalt not abhor an Egyptian,[e] because thou wast a resident alien in his land. [8]The children of the third generation that are born to them may enter into the assembly of Jehovah.

§ 34. The Census, Nu. 1[1-3], 3[14, 15], 4[1-3]

Supplemental Priestly Codes

Census of those available for war

Nu. 1 [1]Jehovah gave this command to Moses in the Wilderness of Sinai, in the tent of meeting, on the first day of the second month, in the second year after they had come out of the land of Egypt: [2]Take a census of all the congregation of the Israelites, by their families, by their fathers' houses, according to the number of the names, all the males, by their heads, [3]from twenty years old and upward, all in Israel who are able to go forth to war, shalt thou and Aaron [f]number by their hosts.

Of the Levites

3 [14]Jehovah also commanded Moses in the Wilderness of Sinai: [15]Number the Levites by their fathers' houses, by their families, every male from a month old and upward shalt thou number them. **4** [1]Jehovah gave this command to Moses and Aaron: [2]Take a census of the Kohathites from among the Levites, by their families, by their fathers' houses, [3]from thirty years old and upward even to fifty years old, all who enter upon the service, to do the work in the tent of meeting.

§ 35. Division of the Land, Josh. 18[2-10], Nu. 26[52-56] [33[54]]

Deuteronomic Codes

The late prophetic tradition regarding the original allotment of Canaan

Josh. 18 [2]Since there remained among the Israelites seven tribes which had not yet divided their inheritance, [3]Joshua said to the Israelites, How

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ability to lead, to guide and represent them not only during his own life but at his death to transmit his authority to his descendants. Thus the Hebrew kingship came into existence. All its traditions were democratic. The king was deliberately chosen as the servant of the people. The only native precedents to shape its development were those connected with the earlier institution of the sheik. In time the immediate followers and supporters of the king grew into a nobility that in part took the place of the earlier tribal elders. The city organization also succeeded that of the clan; but the old tribal bonds never entirely disappeared, and the people always clung tenaciously to their popular rights in opposition to the despotic policies introduced by such rulers as Solomon and Ahab.

[d] Dt. 23[4b, 5] Cf. Vol. I, § 98. The later editor who added these vss. evidently had before him the present composite narrative of Nu. 22, 23.

[e] Dt. 23[7] The older hostile attitude toward the Egyptians has evidently disappeared, and the law reflects the later days when, before the exile, the Egyptians were the only allies of the Hebrews.

§ 34 The early Hebrews like the modern Arabs of the desert, regarded the taking of a census as displeasing to the Deity, cf. II Sam. 24, Vol. II, § 33. The earlier laws accordingly contain no regulations concerning it. Not until the Israelites had come into contact with the Babylonians and Persians did they formulate a definite census law. This was cast in the form of a legal precedent associated with Moses. Its theoretical and priestly character is obvious. It is one of the many very late traditional precedents by which the priestly schools aimed to establish on a Mosaic basis the institutions of their own day.

[f] Nu. 1[3] This clause is probably a late addition.

§ 35 The tradition that the land of Canaan was originally divided among the Hebrew tribes

Deuteronomic Codes

long will you be remiss in taking possession of the land which Jehovah the God of your fathers hath given you? [4]Appoint three men from each tribe and I will send them, and they shall arise and walk through the land, and mark it out for their inheritance; then they shall come to me. [5]And they shall divide it into seven divisions for themselves. Judah shall remain in his territory on the south, and the house of Joseph shall remain in their territory on the north. [6]And ye shall mark out the land into seven divisions, and bring the plan here to me. Then I will cast lots for you here before Jehovah your God. [7]For the Levites have no portion among you, inasmuch as the priesthood of Jehovah is their inheritance; and Gad and Reuben and the half-tribe of Manasseh have received their inheritance on the east side of the Jordan, which Moses the servant of Jehovah gave them.

[8]So the men arose and departed. And Joshua gave this command to those who went to mark out the land: Go and walk through the land, and mark it out and come again to me; and I will cast lots for you here before Jehovah in Shiloh. [9]So the men went and passed through the land and marked it out in a book by cities into seven divisions; then they came to Joshua to the camp at Shiloh. [10]And Joshua cast lots for them in Shiloh before Jehovah. Thus Joshua there divided the land among the Israelites according to their divisions.

Supplemental Priestly Codes

Nu. 26 [52]Jehovah said to Moses, [53]Among these the land shall be apportioned as an inheritance according to the number of names. [54]To the large tribe thou shalt give a proportionately large inheritance, and to the smaller tribe thou shalt give a proportionately small inheritance, to each according to those who are numbered as belonging to it shall its inheritance be given. [55]Yet the land shall be divided by lot, according to the names of the tribes of their fathers they shall inherit. [56]According to the lot shall their inheritance be divided between the more numerous and less numerous tribes.

The later priestly version

§ 36. Respect Due Rulers, Ex. 22[28b]

Primitive Codes

Ex. 22 [28b]Thou shall not curse a ruler of thy people.[g]

Not to curse a ruler

by lot, comes from the comparatively late period when the actual process by which they became possessed of their final abiding place had long been forgotten. The original basis is apparently a later Judean prophetic story but this has been reversed by a Deuteronomic editor, so that in its final form it may here be classified with the Deuteronomic laws. Cf. Vol. I, § 117. The late priestly precedents in Nu. 25[52-56], 33[54] were intended to guide the returning exiles in establishing their individual titles to the soil of Palestine. The version in Nu. 33[54] is simply an abbreviation of that in 25[52-56].

§ 36 This brief law from the Ephraimite prophetic decalogue is linked with the command not to revile God. Evidently in the mind of the primitive lawgiver the civil rulers are regarded as the earthly representatives of the divine King.

[g] Ex. 22[28b] Lit., *among thy people.*

§ 37. Qualifications and Duties of the King, Dt. 17[14-20]

Deuteronomic Codes

Must be a native Israelite

Dt. 17 [14]When thou comest to the land which Jehovah thy God is about to give thee, and shalt possess it, and shalt dwell in it, and shalt say to thyself, I will set over me a king as have all the nations that are round about me, [15]be sure to set over thee as king him whom Jehovah thy God shall choose; one from among thy fellow Israelites shalt thou set over thee as king; thou mayst not put a foreigner over thee who is not a fellow Israelite.

Must avoid the crimes of Solomon

[16]Only he shall not provide many horses for himself, nor shall he cause people to return to Egypt in order that he may provide many horses, since Jehovah hath said to you, Ye shall never again return that way. [17]Neither shall he take many wives for himself, lest his heart turn away; neither shall he collect for himself great quantities of silver and gold.

Must rule in accord with the Deuteronomic laws

[18]And when he sitteth upon his kingly throne he shall write for himself in a book a copy of this law which is in the charge of the Levitical priests;[h] [19]and he shall have it always with him, and he shall read in it daily as long as he liveth, that he may learn to fear Jehovah his God, to take heed to observe all the words of this law and these statutes, [20]that his heart be not lifted up above his kinsmen, and that he turn aside from this command neither to the right nor to the left in order that he and his descendants may continue long to rule in the midst of Israel.

B

Military Regulations

I

ORGANIZATION OF THE ARMY

§ 38. Legal Age of Service, Nu. 26[2a, 3a] [1[2, 3]]

Priestly Codes

Twenty years and over

Nu. 26 [2a]Take a census of all the congregation of the Israelites, [3a]from twenty years old and upward, all in Israel who are able to go forth to war in Israel.

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§ 37 These laws seek primarily to regulate those abuses which became most glaringly apparent in the reigns of Solomon and Ahab, cf. I Kgs. 10[14]–11[13]. They aim to maintain the original, simple, democratic ideal of the Hebrew kingship against the seductive and subversive influence which came in from the neighboring despotisms. In effect these regulations make the king a constitutional ruler, who stands in striking contrast to the tyrants who ruled in all the neighboring states. They also assume that primitive Hebrew conception of the king, as Jehovah's representative, responsible for all his acts to the Divine Sovereign, which was the historical and abiding basal idea of the theocracy.

[h] Dt. 17[18] *i. e.*, in the central sanctuary. Cf. 31[9, 26].

Organization of the Army.—Except the royal body guard of six hundred in the days of David, cf. Vol. II, § 34, the Hebrews do not appear to have maintained a standing army. Throughout all their history their main defence was the militia, which was called out only in

§ 39. Exemptions from Military Service, Dt. 20[1a, 5-7]. 24[5], Nu. 1[48, 49], 2[33]

Deuteronomic Codes

Those who have just completed a house or vineyard

Dt. 20 [1a]When ye go out to fight against your foes, [5]the officers shall speak to the people, saying, What man is there that hath built a new house but not dedicated it? let him go and return to his house, lest he die in the battle, and another man dedicate it. [6]And what man is there that hath planted a vineyard, but not partaken of its fruit?[i] let him return to his house, lest he die in battle, and another man use its fruits.

A betrothed man

[7]If there is any who is betrothed to a wife, but hath not married her, let him go and return to his house, lest he die in battle, and another man marry her.

A newly married man

24 [5]When a man is newly married he shall not go out in the military service,[j] neither shall any business be imposed upon him; he shall stay at home one year to attend to his household,[k] and shall give pleasure to his wife whom he hath married.

Supplemental Priestly Codes

Levites

Nu. 1 [48]For Jehovah spoke thus to Moses: [49]Only the tribe of Levi shalt thou not number, neither shalt thou take a census of them among the Israelites. **2** [33]So the Levites were not numbered among the Israelites, as Jehovah commanded Moses.

§ 40. Minor Officers, Dt. 20[9], 11[1a, 13-15]

Deuteronomic Codes

Appointment

Dt. 20 [9]When the officers have made an end of speaking to the people, they shall appoint commanders of the forces over the people.

The Mosaic precedent

1 [1a]These are the words which Moses spoke to all Israel, [13]Take for your tribes men who are wise, intelligent, and known, that I may make them officers over you. [14]And ye answered me, 'The thing which thou proposest to do is good.' [15]So I took the heads of your tribes, men of wisdom and reputation, and made them officers over you, captains of thousands and captains of hundreds, and captains of fifties, and captains of tens, and officers according to your tribes.

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time of war and at the close of the campaign disbanded. Practically all able-bodied men over twenty years of age were eligible for military service. The king was the head of the army with experienced officers under him. The forces were divided into regiments, companies, and smaller bands of fifty and ten, commanded by officers chosen, probably, from the local tribes and cities represented.

§ 39 These laws strikingly illustrate the idealism of the Deuteronomic codes: the belief that Jehovah will deliver his people if they are loyal to him, is so strong that the humane principle is unhesitatingly applied to specific cases where forced service might bring especial discomfort. The humane laws also reveal the growing interest in the welfare of the individual that characterizes these later codes. First Mac. 3[56] states that Judas observed these laws; but otherwise there is no evidence that they were at other times practically enforced. In the very late priestly precedent, in Nu. 1 and 2, only the Levites are exempted from military service.

[i] Dt. 20[6] Lit., *treated it as common, i. e.*, partaken of its fruit after the firstfruit had been set aside as sacred to Jehovah.

[j] Dt. 24[5] Lit., *host.*

[k] Dt. 24[5] Lit., *for his house.*

§ 40 According to I Mac. 3[55], Judas Maccabus appointed on the battle-field the commanders of thousands, hundreds, fifties, and tens. This law is also substantiated by the later priestly precedent in Nu. 1[4-16] which, like that in Dt. 1[13-15], traces the custom back to Moses. It is probably very ancient. The commanders thus appointed were the tribal chieftains already familiar with war and leadership.

II

REGULATIONS GOVERNING THE ARMY IN THE FIELD

§ 41. Cleanliness of the Camp, Dt. 23[9-14]

Deuteronomic Codes

Each man to guard against polluting it

Dt. 23 [9]When thou goest forth in a military campaign against thine enemies, thou shalt keep thyself from every evil thing. [10]If there be among you anyone who is not clean as the result of an accident by night, then he shall go away outside the camp, he must not come inside the camp. [11]But when evening cometh on, he shall bathe himself in water; and when the sun is set he may come inside the camp. [12]Thou shalt have a place also outside the camp, to which thou shalt go out; [13]and thou shalt have a paddle[l] among thy weapons, and when thou sittest down outside thou shalt dig a hole with it, and shalt turn back and cover thy excrement, [14]for Jehovah thy God ever goeth about in the midst[m] of thy camp, to deliver thee and to give thine enemies into thy hands;[n] therefore thy camp should be holy, that he may see no unclean thing in thee and turn away from thee.

§ 42. Manner of Attack, Dt. 20[1-4, 10-12], Nu. 10[9]

Deuteronomic Codes

Encouragement to be brave and trust in God

Dt. 20 [1]When thou goest forth to battle against thine enemies, and seest horses and chariots, and a people more than thou, be not afraid of them; for Jehovah thy God is with thee, he who brought thee up from the land of Egypt. [2]And when ye draw near to offer battle, the priest shall approach and speak to the people, [3]and say to them, Hear O Israel, ye are drawing near this day to fight against your enemies; do not lose heart, fear not, nor tremble, neither be afraid because of them; [4]for Jehovah your God is going with you, to fight for you against your enemies in order to deliver you.

Preliminaries preceding the attack

[10]When thou drawest near to a city to fight against it, proclaim peace to it.[o] [11]And if it make a peaceful response and open its gates to thee, then shall all the people that are found in it be compelled to do forced labor for thee and serve thee. [12]But if it make no peace with thee but offer battle against thee, then thou shalt lay siege against it.

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§ 41 While this law was of practical hygienic value, the motive which gave rise to it was evidently religious and ceremonial. The simple anthromorphic conception of Jehovah in [14] suggests that this law in its present form comes from an early period. From I Sam. 21[5] it may be inferred that the weapons of war, and probably the person of the warriors, were in ancient times solemnly consecrated. Cf. also II Sam. 1[21]. The priestly law of Nu. 5[1-4] states that in the traditional march through the wilderness all lepers were excluded from the camp. Every one ceremonially impure, either because of an issue, Lev. 15[2,15] or from contact with a corpse, was also shut out; but these laws, though based upon the same principle as the former, make no reference to a military camp.

[l] Dt. 23[13] Lit., *tent pin, i. e.*, that is something pointed or similar in form to a tent pin.

[m] Dt. 23[14] Lit., *going to and fro.* It means that Jehovah accompanied his people in all their campaigns.

[n] Dt. 23[14] Lit., *before thee.*

[o] Dt. 20[10] *I. e.*, give it a chance to surrender without being attacked.

§ 42 War is regarded as inevitable by the lawgivers. Their effort is to regulate as far as possible its barbarity and to prevent needless loss of life.

Priestly Codes

Nu. 10 [9]When ye go to war in your land against the foe that oppresseth you, ye shall sound an alarm with the trumpets; and ye shall be remembered before Jehovah your God, and ye shall be saved from your enemies. Call to battle

§ 43. Division of the Booty, I Sam. 30[21-25]

Primitive Codes

I Sam. 30 [21]Now when David came to the two hundred men, who had been too faint to follow him, so that he had to leave them behind at the Brook Besor, they went out to meet David, and the people who were with him. And when they came near to the people, they saluted them. [22]Then all the wicked and base scoundrels among the men who went with David began to say, Because they did not go with us, we will not give them any of the spoils that we have recovered, except to each, his wife and his children, that he may take them away and depart. [23]But David said, Do not so, my brothers, after that which Jehovah hath given us, and after he hath preserved us and delivered the marauding band that came against us into our hand. [24]And who will give heed to you in this matter, for— Origin of the law of equal distribution of booty

> As is the share of him who goeth down into battle,
> So is the share of him who remaineth with the baggage.
> They shall all share alike.

[25]And from that time on he made it a statute and precedent in Israel to this day.

§ 44. Disposal of the Spoils and Captives, Dt. 20[10, 12-18], 7[1, 2, 16, 22-26], 20[19, 20], 21[10-14], Nu. 31[1a, 2, 3, 7-18, 21-31]

Deuteronomic Codes

Dt. 20 [10]When thou drawest near to a city to fight against it, proclaim peace to it. [12]But if it make no peace with thee, but offer battle against thee, then thou shalt lay siege against it. [13]And when Jehovah thy God delivereth it into thy hand, thou shalt put every male in it to the edge of the sword; [14]but the women, and the little ones, and the animals, and all that is in the city, even all its spoil, shalt thou take to thyself as booty; and thou shalt eat the spoil of thine enemies, which Jehovah thy God hath given thee. In the case of distant foes

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§ 43 This enactment, embedded in the early historical narratives, is especially interesting, for it illustrates one of the common ways in which a law came into existence. Cf. Introd., p. 12.

§ 44 It is a great relief to note that these laws enjoining the merciless destruction of the Canaanites and Midianites took form centuries after the conquest, and that the actual practice in the earlier day was far different. These laws also stand in striking contrast to the humane principles laid down by Amos, 1[6, 13], and with the prevailingly philanthropic spirit of the codes in which they are found. The explanation lies in the fact that these later lawgivers are dealing not with present but past conditions, and are thinking not of the suffering of the innocent but of the glaring evils in Israel's character and religion which were directly traceable to the influence of the early Canaanitish inhabitants of the land, whom the Hebrews absorbed. These blood-thirsty laws were formulated in the days following the reaction of Manasseh when the true prophets of Jehovah were engaged in a death struggle with the old popular heathen cults. In essence they declare that it would have been better for Jehovah's people to have exterminated the evil, root and branch, than to have allowed it to remain a constant menace to Israel's true life and faith.

Deuteronomic Codes

[15]Thus shalt thou do to all the cities that are very far off from thee, which are not of the cities of these nations.

The peoples of Canaan

[16]But of the cities of these peoples, that Jehovah thy God giveth thee for an inheritance, thou shalt save alive nothing that breatheth; [17]but thou shalt utterly destroy[p] them, the Hittites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, as Jehovah thy God hath commanded thee,[q] [18]that they may not teach you to do according to all their abominations, which they have done to their gods, and so ye sin against Jehovah your God. **7** [1]But when Jehovah thy God shall bring thee into the land which thou art going in to possess, and shall clear away many nations before thee, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and mightier than thou, [2]and when Jehovah thy God shall deliver them into thy hands and thou shalt smite them, then thou shalt completely destroy them without making any terms with them or without showing any mercy to them. [16]But thou shalt consume[r] all the peoples that Jehovah thy God shall deliver into thy power; thou shalt show them no pity; neither shalt thou serve their gods for that would be a snare to thee.

Gradual but complete extermination of both peoples and cults

[22]And Jehovah thy God will clear away those nations before thee little by little; thou mayst not consume them all at once, lest the wild beasts become too numerous for thee. [23]But Jehovah thy God will deliver them into thy hand and will throw them into great confusion, until they are destroyed. [24]And he will deliver their kings into thy hand, and thou shalt blot out their name from the earth;[s] no man will be able to stand before thee until thou hast destroyed them. [25]The graven images of their gods shall ye burn with fire; thou shalt not covet the silver or the gold that is on them, nor take it for thyself, lest thou be snared thereby, for it is an abomination to Jehovah thy God. [26]And thou shalt not bring an abomination into thy house, lest thou fall like it under the ban;[t] thou shalt utterly detest and abhor it, for it is placed under the ban.

Fruit trees to be spared even in war

20 [19]When thou shalt besiege a city a long time in making war against it in order to capture it, thou shalt not destroy its trees by wielding an ax against them; thou mayest eat of them, but thou shalt not cut them down; for is the tree of the field a man, that it should be besieged by thee?[u] [20]Only the trees which thou knowest are not fruit trees, thou mayst destroy and cut, that thou mayst build siege-works against the city that maketh war with thee, until it fall.

Permission to marry a female captive

21 [10]When thou goest forth to battle against thine enemies, and Jehovah thy God delivereth them into thy hands, and thou carriest them away captive [11]and seest among the captives a beautiful woman, and thou

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[p] Dt. 20[17] Lit., *place under the ban, devote.*
[q] Dt. 20[17] *E. g.*, 7[2], Ex. 23[31-33].
[r] Dt. 7[16] Lit., *eat.*
[s] Dt. 7[24] The Heb. idiom is, *make their name to perish from under heaven.*
[t] Dt. 7[26] *I. e., be given up to destruction.*
[u] Dt. 20[19] Following the Gk. and Lat. in translating this clause as a question.

Deuteronomic Codes

hast a desire for her, and wouldst make her thy wife, [12]then thou shalt bring her home to thy house; and she shall shave her head and pare her nails, [13]and she shall put off the garb of her captivity and shall remain in thy house, and bewail her father and her mother a full month; after that thou shalt go in unto her, and be her husband, and she shall be thy wife. [14]But if thou have no delight in her, then thou shalt let her go where she will; but thou shalt not sell her in any case for money; thou shalt not deal with her as a slave, because thou hast humbled her.

Supplemental Priestly Codes

Nu. 31 [1a]Jehovah said to Moses, [2]Avenge the Israelites on the Midian- The traditional priestly precedent
ites; afterward thou shalt be gathered to thy father's kin. [3]Therefore Moses gave this command to the people: Equip men from among you for the war, that they may go against Midian, to execute Jehovah's vengeance on Midian. [7]So they made war on Midian, as Jehovah commanded Moses, and slew every male. [8]They also slew the kings of Midian with the rest of their slain: Evi, Rekem, Zur, Hur, and Reba, the five kings of Midian; Balaam, too, the son of Beor, they slew with the sword.

[9]And the Israelites took captive the women of Midian with their little Disposal of the captives and booty
ones. And all their cattle, and all their flocks, and all their goods they took as booty. [10]But all their cities, in the places in which they dwelt, and all their enclosures they burnt with fire. [11]And they took all the spoil and all the booty both of man and of beast. [12]And they brought the captives, and the booty and the spoil to Moses and Eleazar the priest, and to the congregation of the Israelites at the camp in the plains of Moab, which are by the Jordan at Jericho.

[13]Then when Moses and Eleazar the priest, and all the princes of the More instructions regarding the captives and booty
congregation, went forth to meet them outside the camp, [14]Moses was angry with the officers of the host, the captains of thousands and the captains of hundreds, who came from the service of the war. [15]And Moses said to them, Have you saved all the women alive? [16]Behold, these caused the Israelites, through the counsel of Balaam, to break faith with Jehovah in the affair of Peor, and so the plague was among the congregation of Jehovah. [17]Now therefore kill every male among the little ones, and kill every woman who has entered into marital relations. [18]But all the female children, who have not entered into marital relations, keep alive for yourselves.

[21]And Eleazar the priest said to the warriors who went to the battle, This Detailed directions regarding their ceremonial purification
is the statute of the law which Jehovah hath commanded Moses, [22]' Only the gold, the silver, the brass, the iron, the tin, and the lead,—[23]every thing that may be put into the fire, ye shall put through the fire, that it may be clean; it shall surely be purified by means of the water of impurity; and all that can not be put into the fire you shall put through the water. [24]And ye shall wash your clothes on the seventh day, and shall be clean; and afterwards ye shall come into the camp.'

Supplemental Priestly Codes

Jehovah's portion of the spoil for the priests

[25]Then Jehovah commanded Moses, [26]Make an estimate of the booty that was taken, both of man and of beast, thou, and Eleazar the priest, and the heads of the fathers' *houses* of the congregation, [27]and divide the booty into two parts; between the men skilled in war, who went out to battle, and all the congregation. [28]And levy a contribution for Jehovah upon the warriors who went out to battle: one in five hundred, of the persons, and of the oxen, and of the asses, and of the flocks: [29]take it from their half, and give it to Eleazar the priest, as a special contribution to Jehovah. [30]And from the Israelites' half thou shalt take one drawn out of every fifty, of the persons, of the oxen, of the asses, and of the flocks, *even* of all the cattle, and give them to the Levites who have charge of the dwelling of Jehovah. [31]And Moses and Eleazar the priest did as Jehovah commanded Moses.

Portion of the Levites

C

The Judiciary

§ 45. Appointment of Judges, Ex. 18[13-26], Dt. 16[18a]

Primitive Codes

Moses' work as judge

Ex. 18 [13]Now Moses sat as judge to decide cases for the people, and the people stood about Moses from morning until evening. [14]But when Moses' father-in-law saw all that he was doing for the people, he said, What is this thing that you are doing for the people? why are you sitting all alone while all the people stand about you from morning until evening? [15]And Moses answered his father-in-law Because the people keep coming to me to inquire of God. [16]Whenever they have a matter of dispute, they come

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The Judiciary.—In its method of administering justice the ancient East differed widely from the modern West. The most striking difference was the absence in the ancient East of any distinct judicial organization. Political, judicial and religious duties were often discharged by the same officials. In Egypt, Babylonia and Israel the judges to whom cases were referred were quite invariably either civil officers or priests. Every prominent public official, from the king himself to the local tribal elders, could thus be called upon to act as judges. The result was that justice often miscarried for lack of system and a responsible organization to attend to its execution. Also in Babylonia, Egypt, and ancient Israel, most cases were tried not before one but several associated judges. In Babylonia such a judicial body might consist of from four to twelve, among whom were often found civil officials, scribes, priests and elders. A similar mixed court was established at Jerusalem during the latter days of the monarchy.

In ancient Israel, however, ordinary cases were decided by the tribal or local elders assembled at the city gates, or else by the priests to whom the questions in dispute were referred at the local sanctuary and later at the temple at Jerusalem. Important cases could be carried to the king, as the ultimate authority, or later to the central court at Jerusalem, cf. § 47. It is not clear what determined the choice of a court. Probably much liberty was allowed to the individual litigants. If a crime was involved, the community or the local elders or the priests doubtless took the initiative, according to the nature of the offence.

In the ancient East the litigants each presented and pled his own case, although in preparing it he was free to utilize the services of friends or scribes. The plaintiff and defendant, in Babylonia at least, also produced their own witnesses, who were duly sworn and carefully examined. For a full and illuminating presentation of the facts regarding judges, law-courts and legal processes, cf. John's *Bab. and Assyr. Laws, Contracts and Letters*, pp. 80–112.

§ 45 The early Ephraimite prophetic account of Moses' activity as judge throws much light upon the origin of Israel's judiciary, cf. Introd., pp. 10, 11. The explicit law directing the establishment of local courts is comparatively late.

Primitive Codes

to me, that I may decide which of the two is right, and make known the statutes of God, and his decisions.

His example in appointing judges

[17]Then Moses' father-in-law said to him, This thing which you are doing is not good. [18]Both you and these people who are about you will surely wear yourselves out, for the task is too heavy for you; you are not able to perform it by yourself alone. [19]Now hearken to me, I will give you good counsel, so that God will be with you: You be the people's advocate with God, and bring the cases to God, [20]and you make known to them the statutes and the decisions, and show them the way wherein they must walk, and the work that they must do. [21]Moreover you must provide out of all the people able, God-fearing, reliable men, hating unjust gain; and place such over them to be rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens; [22]and let them judge the people at all times. Only every great matter let them bring to you; but every small matter let them decide themselves; so it will be easier for you, and they will bear the burden with you. [23]If you do this thing and God so commands you, then you will be able to endure, and all these people also will go back to their places satisfied. [24]So Moses hearkened to the advice of his father-in-law, and did all that he had said. [25]And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties and rulers of tens. [26]And they judged the people at all times; the difficult cases they brought to Moses, but every small matter they decided themselves. [27]Then Moses let his father-in-law depart, and he went his way to his own land.

Deuteronomic Codes

Local judges

Dt. 16 [18a]Judges and officers shalt thou appoint according to thy tribes in all the cities which Jehovah is about to give thee.

§ 46. Duties of Judges, Ex. 23[6-8], Dt. 16[18b-20], 1[16, 17], 27[25], 25[1, 2], Lev. 19[15] [35]

Primitive Codes

To administer justice to all classes alike

Ex. 23 [6]Thou shalt not prevent justice being done to thy poor in his cause. [7]Keep aloof[a] from every false matter.[b] Do not condemn[c] the innocent nor him who hath a just cause. Do not vindicate[d] the wicked. [8]Thou shalt take no bribe, for a bribe blindeth the eyes of those who see and perverteth the cause of the righteous.[e]

§ 46 The strong emphasis which the prophets placed on justice, especially in the law-courts, left its deep impress on Israel's laws. To insure justice to all alike was one of the chief aims of the Deuteronomic codes.

The same lofty purpose actuated Hammurabi. This is illustrated by the drastic punishment which he directs to be inflicted upon a judge suspected of rendering a decision under unjust influence:

§ 5 *If a judge has given a verdict, rendered a decision, granted a written judgment, and afterward has altered his judgment, that judge shall be prosecuted for altering the judgment he gave and shall pay twelvefold the penalty laid down in that judgment. Further, he shall be publicly expelled from his judgment-seat and shall not return nor take his seat with the judges at a trial.*

[a] Ex. 23[7] Lit., *keep far away from.*
[b] Ex. 23[7] *I. e.*, every crooked conspiracy to prevent justice.
[c] Ex. 23[7] Lit., *do not slay.*
[d] Ex. 23[7] So Gk. which has clearly preserved the original text.
[e] Ex. 23[8] Or, *righteous matters.*

Deuteronomic Codes

Dt. 16 [18b]The judges shall judge the people with righteous judgment. [19]Thou shalt not prevent justice; thou shalt not show partiality;[f] neither shalt thou take a bribe, for a bribe blindeth the eyes of the wise and perverteth the words[g] of the righteous. [20]Justice and only justice[h] shalt thou follow, that thou mayst live and inherit the land which the Lord thy God giveth thee.

To be influenced only by the principles of justice

1 [16]At that time[i] Moses said, I give your judges this charge, 'Hear the cases between your fellow countrymen, and judge righteously between a man and his neighbor, and the alien residing with him. [17]Ye shall be impartial in judgment; ye shall give equal hearing to the weak and strong; ye shall not be afraid of any man; for the judgment is God's; and the case that is too difficult for you, bring to me and I will hear it.'

Public censure

27 [25]Cursed be he who taketh a bribe to condemn[j] an innocent person. And all the people shall say, So let it be.

Judge to witness corporal punishment

25 [1]If there be a controversy between men and they come for a decision, and judgment is pronounced upon them, with the result that the righteous is vindicated and the wicked condemned, [2]and if the culprit deserveth to be beaten, then the judge shall make him lie down and be beaten in his presence with the number of blows corresponding to his crime.[k]

Holiness Code

To be absolutely impartial

Lev. 19 [15]Ye shall do no injustice in rendering a judicial decision.[l] Thou shalt not show partiality to the poor nor have undue consideration for the powerful; but justly shalt thou judge thy neighbor.

§ 47. The Supreme Court of Appeal, Dt. 17[8-11]

Deuteronomic Codes

Difficult cases to be referred to it

Dt. 17 [8]If a question involve bloodshed or conflicting claims, or the plague of leprosy,[m]—questions of controversy within thy city too difficult for thee to decide,—then thou shalt set out and go up to the place which the Lord thy God shall choose; [9]and thou shalt come to the Levitical priests, and to the judge who shall be officiating in those days; and thou shalt inquire; and they shall make known to thee the proper judicial sentence.

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[f] Dt. 16[19] Lit., *Know the faces of;* RV, *respect persons.*

[g] Dt. 16[19] Lit., *words, statements.*

[h] Dt. 16[20] Lit., *Justice, justice.* The repetition intensifies the form of the command.

[i] Dt. 1[16] The event referred to is recorded in Ex. 18. Cf. § 45.

[j] Dt. 27[25] Lit., *to slay.*

[k] Dt. 25[2] The law goes on to add that the blows inflicted must be limited to thirty-nine.

[l] Lev. 19[15] The first command contained in the vs. is repeated in [35].

§ 47 The O.T. furnishes no further information regarding the appointment and constitution of the central court at Jerusalem. In ancient times Moses, and later the Heb. kings (II Sam. 12[1-6], 15[2]), were the final arbiters in disputed questions. The tradition in Ex. 18 implies that Moses appointed a judicial body, somewhat similar to the one the existence of which is implied in Dt. 17[8-11]. In II Chr. 19[8-11] the establishment of a central court of appeal, consisting of priests, Levites and the heads of the fathers' houses is attributed to Jehoshaphat. The late tradition may reflect historical facts, for the present law in Dt. implies that such a tribunal was in existence in the days of Josiah.

[m] Dt. 17[8] Lit., *between blood and blood, between plea and plea, and between stroke and stroke, i. e.,* criminal, civil, and ceremonial cases. The latter refers to a stroke, like a plague, especially leprosy, in connection with which the priests were expected to render a decision.

Deuteronomic Codes

[10]Thou shalt also act according to the tenor of the sentence which they shall make known to thee from that place which Jehovah shall choose; and thou shalt do exactly as they direct thee, [11]according to the tenor of the instruction which they shall give thee, and according to the decision which they shall impart to thee, thou shalt do without departing from the sentence which they shall make known to thee, either to the right hand or to the left.

Its decisions to be faithfully executed

§ 48. Number of Witnesses Required to Convict, Dt. 19[15], 17[6], Nu. 35[30]

Deuteronomic Codes

Dt. 19 [15]One witness shall not stand up alone to testify against a man for any crime, nor for any sin which he hath committed.[n] By the testimony of two or three witnesses must a matter be established. **17** [6]On the testimony of two or three witnesses shall a man be condemned to death; he shall not be put to death on the testimony of one witness.

Two required to convict of a criminal offence

Supplemental Priestly Codes

Nu. 35 [30]In every case of murder, the murderer shall be put to death on the testimony of witnesses; on the testimony of but one witness shall no one suffer death.

§ 49. Duties of Witnesses, Ex. 23[1-3] [20[16]], Dt. 5[20], 17[7], Lev. 19[16], 5[1]

Primitive Codes

Ex. 23 [1]Thou shalt not spread abroad a false report. Do not enter into a conspiracy with a wicked man to be an unrighteous witness. [2]Thou shalt not follow the majority in doing what is wrong. Thou shalt not bear testimony in a case so as to pervert justice.[o] [3]Thou shalt not show partiality to a poor man in his case.

To tell the truth and nothing but the truth

Deuteronomic Codes

Dt. 5 [20]Thou shalt not bear false witness against thy neighbor. **17**[7]The witnesses shall first raise their hands against a murderer to put him to death, and afterwards the hands of all the people. Thus thou shalt purge away the evil from thy midst.

To take the initiative in the execution of a murderer

§ 48 The eminent wisdom of this law, especially in capital offences, is obvious.

[n] Dt. 19[15] *I. e.*, a moral crime or some infringement of the ceremonial law.

§ 49 Prevarication is one of the most crying evils of the East. *A lie is the salt of a man* is too often accepted as good ethics. The Israelitish lawgivers strenuously sought to eliminate this deadly menace to the purity of the courts. The parties to a dispute were probably under obligation to produce their witnesses, as in ancient Babylonia under Hammurabi:

§ 13 *If a man has not his witnesses at hand, the judge shall set him a fixed time not exceeding six months, and if within six months he has not produced his witnesses, the man has lied; he shall bear the penalty of the suit.*

[o] Ex. 23[2] Following a corrected text.

Holiness Code

Not to repeat malign charges

Lev. 19 [16]Thou shalt not go about as a tale bearer among thy people; nor shalt thou seek the blood of thy neighbor:[p] I am Jehovah.

Priestly Codes

Not to conceal testimony

Lev. 5 [1]If anyone sin when under oath as a witness by failing to give information concerning what he hath seen or known,[q] he shall bear the consequences of his iniquity.

§ 50. Punishment of False Witnesses, Dt. 19[16-21]

Deuteronomic Codes

To suffer the penalty of the crime unjustly charged

Dt. 19 [16]If a malicious witness stand up against a man to accuse him of treason,[r] [17]then both the men who have the dispute shall stand before Jehovah, before the priests and the judges who shall be officiating in those days; [18]and the judges shall thoroughly investigate; and should it prove that the witness is a false witness, and hath testified falsely against his countryman, [19]then shall ye do to him as he purposed to do to his fellow countryman: thus thou shalt purge away the evil from thy midst, [20]that those who remain may heed and fear, and never again commit any such crime in thy midst. [21]And thou shalt not show pity;[s] life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

§ 51. Execution of Judicial Sentence, Dt. 25[2, 3]

Deuteronomic Codes

Judge to witness corporal punishment

Dt. 25 [2]If a culprit deserve to be beaten, the judge shall make him lie down and be beaten in his presence with the number of blows corresponding to his crime. [3]Forty blows may he inflict upon him, but no more, lest, if he add more blows than these, thy fellow countryman be held in contempt in thine eyes.

§ 52. Punishment for Contempt of Court, Dt. 17[12, 13]

Deuteronomic Codes

Refusal to accept sentence of supreme tribunal

Dt. 17 [12]Should a man act presumptuously, so as not to hearken to the priest who standeth to minister there before the Lord thy God, or to the

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[p] Lev. 19[16] *I. e.*, by trying to bring a capital charge against him and probably also by false testimony in the courts.

[q] Lev. 5[1] Lit., *and heareth the voice of the oath, and is a witness whether he hath seen or known, if he do not give information.*

[r] Dt. 19[16] *I. e.*, against law and custom.

§ 50 The justice of the law is self-evident; the laxness of our modern legal usage is in unfortunate contrast to it.

[s] Dt. 19[21] Lit., *thine eye shall not show pity.*

§ 51 Punishment of the bastinado, as was common in Egypt, is evidently here contemplated. The law further voices the humane spirit of the Deuteronomic codes.

§ 52 The decision referred to is that of the central tribunal at Jerusalem. The severity of the punishment recalls Hammurabi's free use of the death penalty, or the barbarous severity of many of the old English laws. The law, however, was probably of the nature of a threat, for there is no evidence that it was actually enforced.

Deuteronomic Codes

judge, that man shall die. [13]Thus thou shalt purge away the evil from Israel, that all the people may take heed, and fear, and never again act presumptuously.

§ 53. The Object of Cities of Refuge, Ex. 21[12-14], Dt. 19[1-13], 4[41-43], Nu. 35[9-15]

Primitive Codes

Early law of altar-asylum

Ex. 21 [12]If a man strike another so that he die, the manslayer shall be put to death. [13]If a man lie not in wait, but God deliver him into his hand, then I will appoint thee a place to which he may flee. [14]If a man attack another maliciously to slay him by treachery, thou shalt take him from mine altar that he may be put to death.

Deuteronomic Codes

Three cities to be set aside as places of refuge

Dt. 19 [1]When Jehovah thy God shall cut off the nations, whose land Jehovah thy God giveth thee, and thou shalt dispossess them, and shalt dwell in their cities, and in their houses, [2]thou shalt set apart three cities for thyself in the midst of thy land, which Jehovah thy God is about to give thee as a possession. [3]Thou shalt prepare the way, and divide the territory of thy land, which Jehovah thy God will let thee inherit, into three parts, that every manslayer may flee thither.

For the deliverance of the innocent manslayer

[4]And this is the rule in regard to the manslayer, who may flee thither and live: whoso killeth his neighbor accidentally without having been his enemy formerly, [5]as for example when a man goeth into the forest with his neighbor to cut wood, and he swingeth the ax with his hand to cut down a tree,[t] and the head slippeth from the helve and striketh his neighbor, so that he die, the man shall flee to one of these cities and live; [6]lest the avenger of blood pursue the manslayer, while he is enraged,[u] and overtake him, because the way is long, and take his life, although he did not deserve to die, since he was not formerly the dead man's enemy. [7]Therefore I command that thou shalt set apart three cities. [8]And if Jehovah thy God enlarge thy borders as he hath sworn to thy fathers, and give thee all the land which he promised to give to thy fathers, [9]if thou shalt keep all this command to do it, which I command thee this day, in that thou love Jehovah thy God, and walk ever in his ways, then shalt thou add three other cities, besides these three, [10]that innocent blood may not be shed in the midst of thy land, which Jehovah thy God giveth thee as an inheritance, and thus blood-guilt be upon thee.

But not of the murderer

[11]But if any man hate his neighbor, and lie in wait for him, and attack

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§ 53 The relentless Semitic law of blood revenge made a place of refuge for the innocent manslayer a necessity among the Hebrews. As among most ancient peoples, the altar-asylum was an established institution in Israel. The law in Ex. 21[14] aims to guard against its abuse. When all the high places outside Jerusalem, with their altars, were abolished by the Deuteronomic law and the reform measures of Josiah, it became necessary to establish convenient cities of refuge. Apparently the towns selected were the sites of ancient shrines (cf. Josh. 20[7, 8]), thus comporting with the customs already fixed. Cf. also § 83.

[t] Dt. 19[5] Lit., *his hand impelleth with the ax to cut down the tree.*

[u] Dt. 19[6] Lit., *while his heart is hot.*

Deuteronomic Codes

him and strike him mortally so that he die, and the murderer flee to one of the cities of refuge, [12]the elders of his city shall send and bring him, and deliver him into the hand of the avenger of blood, that he may die. [13]Thou shalt have no mercy on him, but shall purge away the innocent blood from Israel, that it may go well with thee.

The east-Jordan cities

4 [41]Then Moses set apart three cities on the other side[v] of the Jordan toward the sunrise, [42]that a manslayer who had slain his neighbor accidentally and without having been formerly his enemy might flee thither, and by fleeing to one of these cities might save his life: [43]Bezer in the wilderness on the table land for the Reubenites, Ramoth in Gilead for the Gadites, and Golan in Bashan for the Manassites.

Supplemental Priestly Codes

The later version of the law

Nu. 35 [9]Jehovah gave this command to Moses: [10]Speak thus to the Israelites, and say to them, 'When ye pass over the Jordan into the land of Canaan, [11]ye shall select as suitable for yourselves, cities to be cities of refuge for you, that the manslayer who killeth any person unintentionally may flee thither. [12]And the cities shall be a refuge from the avenger of blood, that the manslayer may not be put to death until he can stand before the congregation for judgment. [13]And the cities which ye shall give shall be for you six cities of refuge. [14]Ye shall set apart three[w] cities beyond Jordan, and three cities shall ye set apart in the land of Canaan; they shall be cities of refuge. [15]These cities shall be a refuge for the Israelites and for the resident alien and the one who hath settled among them; that every one who hath killed another unintentionally may flee to them.'

D

Popular Instruction in the Law

§ 54. Publishing the Law, Dt. 27[1-4, 8], Josh. 8[30-32]

Deuteronomic Codes

Command to write the laws on plastered stones

Dt. 27 [1]Moses and the elders of Israel gave this command to the people: Keep all the commands which I lay upon you this day. [2]And

[v] Dt. 4[41] *I. e.*, on the east side.

[w] Nu. 35[14] Cf. for these cities, Josh. 20[7, 8].

Popular Instruction in the Law.—The zeal of the authors of the Deuteronomic codes led them to resort to very positive means to impress the new law upon the popular consciousness. Their methods were similar to those of the great prophets like Isaiah. Just as he wrote his central teaching during the years 737–735 B.C. on a tablet and set it up before the people, Is. 8[1], so the prophetic reformers of the days of Josiah decreed that the essentials of the law should be published before the eyes of the people. The method may be traced back at least as far as the days of the great Hammurabi. Primitive tablets were probably thus set up in Solomon's temple. Cf. Introd., p. 22. Doubtless the influence of the example of their Assyrian masters also affected the authors of Dt.

The public reading of the law by Josiah is recorded in II Kgs. 23[2]. In the same way, a few years later, Baruch read certain of Jer.'s sermons to the people, Jer. 36[10].

Through the emphasis which the Deuteronomic lawgivers placed upon the instruction

§ 54 These passages in Dt. and Josh. are both later products of the Deuteronomic school.

Deuteronomic Codes

when ye shall pass over the Jordan to the land which Jehovah thy God is about to give thee, thou shalt set up great stones and plaster them with plaster; ³and thou shalt inscribe upon them all the words of this law, when thou hast passed over, that thou mayst go into the land which the Lord thy God giveth thee, a land abounding in milk and honey, as the Lord the God of thy fathers hath promised thee. ⁴And when ye are passed over Jordan ye shall set up these stones, which I command you this day, on Mount Ebal, and thou shalt plaster them over with plaster. ⁸And thou shalt inscribe upon the stones all the words of this law very plainly and carefully.

Execution of the command

Josh. 8 ³⁰Then Joshua built on Mount Ebal an altar to Jehovah the God of Israel, ³¹as Moses the servant of Jehovah had commanded the Israelites, as it is written in the law of Moses, an altar of unhewn stones, upon which no one had set a tool. And they offered burnt-offerings on it to Jehovah, and sacrificed peace-offerings. ³²And he inscribed there upon the stones a copy of the law of Moses, which he had written in the presence of the Israelites.

§ 55. Public Reading of the Law, Dt. 31⁹⁻¹³, Josh. 8³³⁻³⁵

Deuteronomic Codes

Command publicly to read the law in the seventh year

Dt. 31 ⁹Moses wrote this law and delivered it to the priests the sons of Levi, who bore the ark of the covenant of Jehovah, and to all the elders of Israel. ¹⁰And Moses gave them this command: At the end of seven years, in the year fixed for the release, at the feast of tabernacles, ¹¹when all Israel come to see[a] the face of Jehovah thy God in the place which he shall choose, thou shalt read this law aloud before all Israel. ¹²Assemble the people, the men, the women and the children, as well as the aliens who reside within thy city, that they may hear, and learn, and fear Jehovah your God, and faithfully follow all the words of this law, ¹³and that their children who have not known may hear, and learn to fear Jehovah your God as long as ye live in the land which ye are going over the Jordan to possess.

First public reading

Josh. 8 ³³And all Israel with their elders, officers, and judges were standing on each side of the ark before the priests, the Levites, who carried the ark of the covenant of Jehovah—the resident alien as well as the native born—half of them in front of Mount Gerizim, and half of them in front of Mount Ebal, as Moses the servant of Jehovah had commanded them at the first, that they should bless the people of Israel. ³⁴And afterwards Joshua read all the words of the law, the blessing and the curse, according to all that is written in the book of the law. ³⁵There was not a word of all that Moses commanded, which Joshua did not read before all the assembly of Israel, and the women, and the little ones, and the resident aliens who were residing among them.

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of children by their parents, they laid the foundation of the later educational system which was the strength and glory of Judaism. The decalogue structure of the primitive laws suggests, however, that catechetical instruction began in the earliest period of Israel's history. These varied methods of inculcating the fundamental principles of the law proved effective, as the later character of the Jewish race amply demonstrates.

[a] Dt. 31¹¹ Slightly revising the Heb. text. Heb., *appear before.*

§ 56. Instruction of Children, Dt. 6[6-9, 20-25], [11[18-21]]

Deuteronomic Codes

Constantly to study and inculcate the law

Dt. 6 [6]These words, which I command thee this day, shall be upon thy heart; [7]and thou shalt impress[b] them upon thy children, and thou shalt talk of them when thou sittest in thy house, and when thou walkest by the way, and when thou liest down, and when thou risest up. [8]Thou shalt bind them as a reminder on thy hand, and have them as bands on thy forehead between thine eyes, [9]and thou shalt mark them on the posts of thy house and on thy doors.

Historic reasons for keeping the law

[20]When thy son asketh thee in the future, What mean the testimonies, and the statutes, and the judgments, which Jehovah our God hath commanded you? [21]then shalt thou say to thy son, We were Pharaoh's slaves in Egypt; but Jehovah brought us out of Egypt with a strong hand; [22]and Jehovah performed before our eyes great and destructive signs and wonders, upon Egypt, upon Pharaoh, and upon all his household; [23]and he brought us out from there, that he might bring us in to give us the land which he swore to our fathers. [24]And Jehovah commanded us to act in accord with all these statutes, to fear Jehovah our God, that we might always prosper, and that he might preserve us alive, as at this day. [25]We shall be righteous if we observe faithfully this command before Jehovah our God, as he hath commanded us.

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§ 56 The earnest exhortations of Dt. 6[6-9, 20, 21] are repeated in slightly different form in 11[18-21]. These passages clearly reveal the educational aims of the Deuteronomic writers, who were powerfully influenced by the spirit and methods of the great prophets of the Assyrian period.

[b] Dt. 6[7] Lit., *prick in.*

CRIMINAL LAWS

CRIMINAL LAWS

I

CRIMES AGAINST JEHOVAH

§ 57. Worshipping Other Gods, Ex. 34^{14}, 22^{19}, 23^{13b}, [20^{3}], Dt. 5^{7}, 6^{14}, $8^{19, 20}$, $30^{17, 18}$, $11^{16, 17, 26-28}$, 17^{2-7}

Primitive Codes

Absolute loyalty to Jehovah

Ex. 34 [14]Thou shalt worship no other God, for Jehovah, whose name is Jealous, is a jealous God[a].

22 [19]Whoever sacrificeth to any god, except to Jehovah only,[b] shall be placed under the ban.[c]

23 [13b]Make no mention of the name of other gods, nor let it be heard on thy[d] lips.[e]

Crimes against Jehovah.—The distinctive teaching which Moses impressed upon the early Israelites appears to have been that Jehovah demanded the entire loyalty and devotion of his people. The command is imbedded in the oldest decalogue, and is always given the position of chief prominence and authority. It was the corner stone of Israel's civic and religious life. The common worship of the same God bound together the ancestors of the Hebrews wandering in the wilderness. The battle cry which rallied the people in the days of the judges, was, *Come up to the help of Jehovah against the mighty*, Jud. 5^{20}. Loyalty to the God of the race was a stronger bond than even that of blood. Hence everything which tended to break down or weaken this bond was naturally regarded as treason.

When the Hebrews settled in Canaan and absorbed a large Canaanitish population and fell heir in time to the high places and institutions of the native races, the great struggle began between the more austere demand of the Jehovah worship and the invidious seductions of Canaanitish Baalism. When the latter in the days of Ahab and under the patronage of Jezebel threatened to win the day, Elijah appeared with his stern protest which at length found popular expression in the revolution of Jehu. When again under Manasseh the religious cults of Assyria and Babylonia gained the ascendency in Judah, the reformation which followed, under Josiah, was characterized by great severity. Apostasy, being treason, is, according to the Deuteronomic codes to be punished by death. The struggle between the Jehovah religion, as interpreted by the great prophets of the Assyrian period, and heathenism, was so intense that the most humane of all the O.T. lawgivers showed no mercy. The comparative absence of kindred laws in the priestly codes indicates that when they were formulated the exile had done its work and the great crisis was over; the loyalty of a majority of the nation was forever assured.

[a] Ex. 34^{14} This primitive law, preserved in the early Judean prophetic narratives, is introduced by, *for*. This was clearly added by the later prophetic editor to connect it with his exhortations against making covenants with foreign peoples. Possibly [14b] is from the same hand. Cf. Dt. 4^{24}, 5^{9}, 6^{15}.

[b] Ex. 22^{19} Or Sam. and Gk. A., *to another god*. These texts also leave out, *except to Jehovah only*, which may be a later explanatory gloss.

[c] Ex. 22^{19} Cf. Josh. $6^{17, 7}$ and Vol. I, § 110, note [b]. It sometimes has the meaning of, *utterly destroy*. In the earlier laws it probably meant the withdrawal of the protection of the tribe or nation and implied that Jehovah would execute the judgment, Dt. $20^{16, 17}$.

[d] Ex. 23^{13b} So Sam., supported by the rest of the vs. The Heb. has the pl.

[e] Ex. 23^{13b} Lit., *heard out of thy lips*. The vs. in its present position in Ex. is probably secondary, but it may well represent an early Ephraimite duplicate of Ex. 34^{14}.

Deuteronomic Codes

Consequences of disloyalty

Dt. 5 [7]Thou shalt have no other gods[f] besides[g] me.

6 [14]Ye shall not go after other gods,—the gods of the peoples that are round about you[h]—[15]for Jehovah thy God who is in the midst of thee is a jealous God; take heed lest the anger of Jehovah thy God be kindled against thee, and he destroy thee from off the face of the earth. **8** [19]If thou shalt forget Jehovah thy God and shalt follow after other gods, and serve and worship them, I solemnly warn you this day that ye shall surely perish. [20]As the nations that Jehovah maketh to perish before you, so shall ye perish, because ye would not harken to the voice of Jehovah your God.

30 [17]If thy heart is rebellious and thou dost not take heed but art drawn away, and worship other gods, and serve them, [18]I declare to you this day, that ye shall surely perish; ye shall not enjoy long life in the land which thou art passing over the Jordan to go in to possess.[i]

11 [16]Take heed to yourselves, lest your heart be deceived, and ye turn aside, and serve other gods, and worship them, [17]and the anger of Jehovah be aroused against you, and he shut up the heavens, so that there shall be no more rain, and the land yield not its produce, and ye perish quickly from off the land which Jehovah is about to give you. [26]Behold, I set before you this day a blessing and a curse: [27]the blessing, if ye will heed the commands of Jehovah your God, which I command you this day; [28]and the curse, if ye will not heed the commands of Jehovah your God, but turn aside out of the way which I command you this day, in order to go after other gods, which ye have not known.

Procedure in punishing disloyalty to Jehovah

17 [2]If there be found in the midst of thee, within any of thy cities which Jehovah thy God is about to give thee, a man or a woman, who doeth that which is evil in the sight of Jehovah thy God, in transgressing his covenant, [3]and hath gone and served other gods and worshipped them, or the sun, or the moon, or the host of heaven, which I have not commanded, [4]and it be reported to thee and thou hast heard of it, then shalt thou investigate thoroughly, and if it prove to be true and be established that such abomination hath been committed in Israel, [5]then thou shalt bring forth that man or woman, who hath done this evil, to thy gates, even the man or the woman; and thou shalt stone them to death. [6]On the testimony of two or three witnesses shall he who is condemned be put to death. He shall not be put to death on the testimony of one witness. [7]The hand of the witness shall first be raised against him to put him to death, and then the hands of all the people. Thus thou shalt purge the evil from thy midst.

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[f] Dt. 5[7] The Heb. may also be translated *god*. So Luc., Targ., and Gk. A.

[g] Dt. 5[7] The duplicate of Ex. 20[3]. The Heb. expression which means lit. *in my face*, or *in my presence*, or *before my face*, is translated as above in accord with its obvious meaning in Gen. 28[9], 31[50], Lev. 18[18], where it signifies to have a rival. In Job 1[11], 21[31], Is. 65[3] it means *before* or *openly*. The command appears to demand that Jehovah's people shall give him the first place in their hearts, but also that they shall pay fealty to no other rival deity.

[h] Dt. 6[14] The late prophetic addition in Ex. 23[24. 25] repeats the injunctions of Dt. 6[14] and 8[19].

[i] Dt. 30[17. 18] In view of their awkward connection with the context it seems probable that these vss. belong to a secondary section of the book of Dt.

§ 58. Apostasy, Dt. 13[1-18]

Deuteronomic Codes

Dt. 13 [1]If there arise in the midst of thee a prophet, or one who dreams dreams, and he give thee a sign or portent, [2]and the sign or portent come to pass, in connection with which he spoke to thee, saying, Let us go after other gods which thou hast not known, and let us serve them; [3]thou shalt not listen to the words of that prophet, or to that one who dreams dreams; for Jehovah your God is testing you to know whether ye love Jehovah your God with all your heart and with all your soul.[j] [4]Ye shall follow Jehovah your God and fear him, and keep his commands, and obey his voice, and ye shall serve him, and remain true to him.[k] [5]That prophet or that one who dreams dreams shall be put to death, because, against Jehovah your God, who brought you out of the land of Egypt and redeemed thee out of the condition of slavery, he hath spoken treason,[l] in order to draw thee aside out of the way in which Jehovah thy God commanded thee to walk. Thus shalt thou purge away the evil from thy midst. Death penalty for an apostate prophet

[6]If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, who is dear to thee as thy own soul, should entice thee secretly, saying, Let us go and serve other gods, which neither thou nor thy father hast known, [7]certain of the gods of the surrounding peoples, either near thee or far from thee, from one end of the earth to the other,[m] [8]thou shalt not yield nor listen to him, nor show pity to him, neither shalt thou spare him, nor shalt thou hide him from justice, [9]but thou shalt surely kill him; thy hand shall be first raised against him to put him to death, then the hands of all the people. [10]And thou shalt stone him to death, because he hath sought to draw thee away from Jehovah thy God, who brought thee out of the land of Egypt when thou wast a slave. [11]Thus all Israel shall hear and fear, and shall never again do any such wickedness as this is in thy midst. Even for a near relative or friend

[12]If thou shalt hear this report regarding one of thy cities, which Jehovah is about to give thee in which to dwell: [13]Certain fellows have gone out from thy midst and have drawn away the inhabitants of their city, saying, 'Let us go and serve other gods,' which ye have not known, [14]then thou shalt inquire and investigate, and carefully ascertain the facts. If it prove true and be established that such an abomination hath been committed in thy midst, [15]thou shalt surely put the inhabitants of that city to the sword, destroying it utterly and all that is in it.[n] [16]And thou shalt gather all its spoil An apostate city to be destroyed with all its inhabitants

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§ 58 Religious impostors, sometimes doubtless self-deceived, have been from time immemorial, the bane of the East, which is always attentive to the *man of the spirit*. From the days of Ahab, I Kgs. 22, until the days of Nehemiah these false prophets were not only misleading the people, but also undermining the influence of the true men of God. In the days of Jer. they appear to have been most common and active.

[j] Dt. 13[3b, 4] The sudden transition to the plural perhaps indicates that these vss. are a later insertion. The Gk. has the plural in [3a]. Possibly the variations are simply scribal errors.

[k] 13[4] Lit., *cling to*.

[l] 13[5] Or, *rebellion*.

[m] 13[7] The reference is primarily to the Assy. and Bab. cults which came in during the days of Manasseh and the exile. The Heb. has the plural in the first part of the vs.

[n] 13[15] So Gk. The Heb. adds awkwardly, *and its cattle with the edge of the sword*.

Deuteronomic Codes

into the midst of its open space and shalt burn with fire the city and all its spoil as a whole burnt-offering to Jehovah thy God; and it shall remain a heap[o] forever, it shall never be rebuilt. [17]Let nothing of the devoted thing cling to thy hand, that Jehovah may turn from his hot anger and show mercy to thee, and that in his mercy he may make thee great, as he promised with an oath to thy fathers, [18]if thou wilt listen to the voice of Jehovah thy God by keeping all his commands which I am giving thee to-day and by doing what is right in his sight.

§ 59. **Idolatry**, Ex. 34[17], 20[23b, [4-6]], Dt. 5[8-10], 16[21. 22] 12[1-4] 7[5] 27[15], 4[15-28], Lev. 19[4], 26[1]

Primitive Codes

Prohibition of molten idols

Ex. 34 [17]Thou shalt make thee no molten gods.

Ex. 20 [23b]Gods of silver and gods of gold thou shalt not make for thyself.[p]

Deuteronomic Codes

Of images of all kinds

Dt. 5 [8]Thou shalt not make for thyself a graven image,[q] nor any likeness of anything that is in heaven above, or that is on the earth beneath, or is in the water under the earth; [9]thou shalt not worship them nor serve them; for I, Jehovah thy God, am a jealous God, one who visits the iniquity of the fathers upon the children and upon the third and fourth generations of those who hate me, [10]but one who shows favor to thousands of those who love me and keep my commandments.[r]

Of all heathen symbols

16 [21]Thou shalt not plant an asherah,[s] which thou shalt make of any kind of tree, beside the altar of Jehovah thy God; [22]neither shalt thou set up a pillar which Jehovah thy God hateth.

To destroy all heathen shrines and symbols

12 [1]These are the statutes and the judicial decisions which ye shall faithfully observe in the land which Jehovah, the God of thy fathers hath given thee as a possession, all the days that ye may live upon the earth. [2]Ye

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[o] 13[16] Lit., *a tel, i. e.*, a mound made by ruins.

§ 59 From their ancestors the Hebrews inherited the primitive custom of representing the Deity in wood or stone. The oldest idols appear to have been sacred stones, in which the god was supposed to dwell. In time these were cut into the shape of animals or human beings. Micah's ephod, Judg. 17, the family god in David's home, I Sam. 19[13], the calves overlaid with gold in the royal sanctuary of Northern Israel, and the silence of the earlier prophets all indicate that idolatry was not absolutely forbidden by Israel's early teachers. Gradually, however, as their conception of the Deity broadened and the evils inherent in idolatry became apparent, the people began to view these popular symbols with suspicion. Hosea speaks scornfully of the calf of Samaria, 10[5]; by the time of Josiah idols were placed under the ban.

The commands of the successive codes record the development of the higher ideal. First the expensive molten gods, probably made by foreign craftsmen and fashioned after heathen models, were forbidden. Finally in the prophetic decalogue of Ex. 20 and Dt. 5 all forms of idols are absolutely discarded. The law is made very explicit to eliminate all possibility of error.

[p] Ex. 20[23b] Heb., *for yourselves;* but the original form was probably in the singular as in the following vs. The plural is apparently due to the influence of the plural in the later addition in 20[22].

[q] Dt. 5[8] The original command probably consisted simply of this first sentence. The rest is explanatory and hortatory.

[r] Dt. 5[8-10] The duplicate is found in Ex. 20[4-6].

[s] Dt. 16[21] *I. e.*, one of the sacred poles, reared probably as symbols of the sacred trees, worshipped in ancient times.

Deuteronomic Codes

shall destroy all the places in which the nations, that ye shall dispossess, served their gods, upon the high mountains and upon the hills and under every green tree; [3]and ye shall break down their altars, and dash in pieces their pillars, and burn their asherahs with fire; and ye shall hew down the graven images of their gods; and ye shall destroy their name out of that place. [4]To Jehovah your God ye shall not do as they do[t].

7 [5]Thus shall ye do to them: ye shall break down their altars, and dash in pieces their pillars, and hew down their asherahs, and burn their graven images with fire.

27 [15]Cursed be the man who makes a graven or molten image, an abomination to Jehovah, the work of the hands of the craftsman, and setteth it up in secret. And all the people shall answer and say, So may it be. Public condemnation

4 [15]Take good heed to yourselves—for ye saw no manner of form in the day that Jehovah spoke to you in Horeb out of the midst of the fire[u]—[16]lest ye corrupt yourselves, and make for yourselves a graven image in the form of a statue, the likeness of male or female, [17]the likeness of any beast that is on the earth, the likeness of any winged bird that flieth in the heavens, [18]the likeness of anything that creepeth on the ground, the likeness of any fish that is in the water under the earth; [19]and lest thou lift up thine eyes to heaven, and when thou seest the sun and the moon and the stars, even all the host of heaven, thou be drawn away and worship them, and serve these objects which Jehovah thy God hath allotted to all the peoples under the whole heaven. [20]But you Jehovah hath taken and brought forth from the iron furnace, out of Egypt, that you may be a people, his own inheritance, as you now are. [21]Moreover Jehovah was angry with me because of you, and swore that I should not go over the Jordan and that I should not go in to that good land, which Jehovah thy God giveth thee as an inheritance; [22]but I must die in this land, I cannot go over the Jordan; but ye shall go over and possess that good land. [23]Take heed to yourselves, lest you forget the covenant of Jehovah your God, which he made with you, and make for yourselves a graven image in the form of anything which Jehovah thy God hath forbidden thee. [24]For Jehovah thy God is a devouring fire, a jealous God!

Reasons why the Israelites should have no idols

[25]When children, and children's children shall be born, and ye shall have been long in the land, and shall corrupt yourselves, and make a graven image in the form of anything, and shall do that which is evil in the sight of Jehovah thy God, to provoke him to anger, [26]I call heaven and earth to witness against you this day, that ye shall soon perish completely from the land which ye are going over the Jordan to possess; ye shall not remain many years upon it, but shall be completely destroyed. [27]Jehovah will also scatter you among the peoples, and only a small number of you shall be left among the nations, among whom Jehovah shall lead you away. [28]And there ye shall serve gods, the work of men's hands, wood and stone, which neither see nor hear nor eat nor smell.

Exile the penalty for idolatry

[t] Dt. 12[4] *I. e.*, worship him at the same places and with the same rites.
[u] Dt. 4[15] This and the following vss. also belong to a later stratum in the Deuteronomic codes.

Holiness Code

Jehovah, not idols, the true object of worship

Lev. 19 [4]Turn not to idols,[v] nor make for yourselves molten gods: I am Jehovah your God.

26 [1]Ye shall make you no idols, nor shall ye erect for yourselves a graven image or a pillar, nor shall ye set up any figured stone in your land, to bow down to it: for I am Jehovah your God.

§ 60. Sorcery and Divination, Ex. 22[18], Dt. 18[9-14], Lev. 18[3, 24], 20[23, 27], 19[26b, 31], 20[6]

Primitive Codes

Death for the sorceress

Ex. 22 [18]A sorceress shall not live.[w]

Deuteronomic Codes

No form of heathen superstition to be tolerated

Dt. 18 [9]When thou comest into the land which Jehovah thy God is about to give thee, thou shalt not learn to imitate the abominations of these nations. [10]There shall none be found with thee who maketh his son or his daughter to pass through the fire, or who obtaineth oracles by lot, or a diviner,[a] or one who observeth omens,[b] or a sorcerer, [11]or a charmer, or a medium,[c] or a wizard, or a necromancer. [12]For whoever doeth these things is an abomination to Jehovah; and because of these abominations Jehovah thy God is driving them out before thee. [13]Thou shalt be perfect with Jehovah thy God. [14]For these nations, that thou shalt dispossess, give heed to those who practice augury and to diviners; but as for thee, Jehovah thy God hath not permitted thee so to do.

Holiness Code

To avoid all heathen customs

Lev. 18 [3]Ye shall not imitate the customs of the land of Egypt, in which ye dwelt, nor the customs of the land of Canaan, whither I am bringing you; neither shall ye follow their established usages. [24]Defile not yourselves in any of these ways, for in all these ways have the nations which I am casting out from before you defiled themselves. **20** [23]And ye shall not follow the established usages of the nations,[d] which I am casting out before you; for they did all these things; therefore I abhorred them.

Death to all mediums and wizards

[27]A man or a woman who is a medium or a wizard shall surely be put

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[v] Lev. 19[4] Or, *do not regard unreal gods;* lit., *unreal thing.* The later priestly writers frequently use this contemptuous term as a synonym of idol.

§ 60 In I Sam. 28[9] it is stated that Saul drove out the wizards and mediums from his kingdom, but in his last extremity Israel's first king is represented as resorting to one of the representatives of the occult arts. The better sense of Israel's prophets and lawgivers revolted against these survivals of a heathen past, as did also the more enlightened leaders of Assyria and Greece. The sorceress with her evil craft probably represents these cults in the primitive codes; but in Dt. they are all classed together and placed under the ban of divine disapproval.

[w] Ex. 22[18] R. V., *thou shalt not suffer a sorceress to live,* but the above trans. is supported by the Heb., and the fact that the second person is not used in the context of the civil decalogues, cf. Introd., p. 23.

[a] Dt. 18[10] The exact form of divination is not known. Possibly it was by examining the form of the liver of sacrificial animals, as among the Babylonians and many ancient peoples.

[b] Dt. 18[10] Probably the flight of birds.

[c] Dt. 18[11] Gk., *ventriloquists,* cf. I Sam. 28.

[d] Lev. 20[23] So Sam., Gk., Syr. and Targ. Heb., *nation.*

Holiness Code

to death; ye shall stone them[e]; they shall be responsible for their own death.

19 [26b]Ye shall not practise augury or divination.

[31]Turn ye not to those who are mediums or wizards; seek them not out to be defiled by them: I am Jehovah your God.

20 [6]Against the person who turns to those who are mediums or wizards, to practise apostasy[f] with them, I will indeed set my face, and I will cut him off from among his people.

§ 61. **Sacrifice of Children to Heathen Gods,** Dt. 12[29-31], 18[10a], Lev. 18[21a], 20[2-5]

Deuteronomic Codes

Dt. 12 [29]When Jehovah thy God shall cut off the nations from before thee, which thou art going in to dispossess, and thou hast dispossessed them and dwellest in their land, [30]take heed to thyself that thou be not ensnared after them, when they have been destroyed from before thee, and that thou inquire not after their gods, saying, How do these nations serve their gods? even so will I do likewise. [31]Thou shalt not do thus to Jehovah thy God; because every abomination which Jehovah hateth have they done to their gods; for even their sons and their daughters do they burn in the fire to their gods. **18** [10a]None who maketh his son or his daughter to pass through the fire shall be found with thee.

Not to imitate the hideous rite

Priestly Codes

Lev. 18 [21a]And thou shalt not give any of thy offspring to make them pass through the fire to Molech. **20** [2]Moreover, thou shalt say to the Israelites, Any one of the Israelites or of the aliens who reside in Israel, who giveth of his offspring to Molech, shall surely be put to death; the people of the land shall stone him.[g] [3]I will also turn against[h] that man and will cut him off from among his people; because he hath given of his offspring to Molech, to defile my sanctuary and to profane my holy name. [4]And if the people of the land do at all shut their eyes to that man's doings, when he giveth of his offspring to Molech, and fail to put him to death, [5]then I will turn against that man and his family, and will cut him off, and all from among their people who follow after him to practice apostasy[i] with Molech.

Death the penalty

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[e] Lev. 20[27] So Gk. Heb., *they shall be stoned.*

[f] Lev. 20[6] Lit., *play the harlot after, i. e.,* be disloyal to Jehovah.

§ 61 Human sacrifice was apparently a common practice among the ancient inhabitants of Palestine. The many skeletons of children found in the temple precincts of the ruins at Gezer and Taanach and the frequent allusions to it in the O.T. confirm this conjecture. The ancient Hebrews shared the Canaanitish belief that every first-born child belonged to the Deity. In the times of calamity the first impulse in the minds of the people was to win Jehovah's favor by human sacrifice, Mi. 6[7]. When heathen influence was strong, as in the days of Ahaz and Manasseh, the same barbarous practice came into vogue. In the valley of Hinnom to the south of Jerusalem the Hebrews had been wont *to burn their sons and their daughters in the fire,* Jer. 7[31, 32], 19[5], Ps. 106[37, 38]. These references suggest, however, that the crime was committed in the later days only in the name of Baal or Molech (or Milk, *King*). The expression, *to make to pass through the fire,* appears to refer to the same rite, probably designating some peculiar form of human sacrifice.

[g] Lev. 20[2b] This seems to be taken from the Holiness Code.

[h] Lev. 20[3] Heb., *set my face against.* So in [5].

[i] Lev. 20[5] Lit., *play the harlot;* as elsewhere, ceremonial rather than social crimes are evidently in the mind of the author.

§ 62. **Blasphemy**, Ex. 22[28a] [20[7]], Dt. 5[11], Lev. 19[12], 18[21b], 24[15b, 16, 10-13, 23]

Primitive Codes

Not to revile God

Ex. 22 [28a]Thou shalt not revile God.

Deuteronomic Codes

Not to misuse his name

Dt. 5 [11]Thou shalt not invoke the name of Jehovah thy God falsely,[j] for Jehovah will not hold him guiltless who taketh his name falsely.

Holiness Code

Not to profane it

Lev. 19 [12]Ye shall not swear by my name falsely, so as to profane the name of thy God: I am Jehovah.

18 [21b]Thou shalt not profane the name of thy God: I am Jehovah.

Penalty for blasphemy

24 [15b]Whoever curseth his God shall bear the consequences of his sin. [16]And he who blasphemeth the name of Jehovah, shall surely be put to death; all the congregation shall surely stone him; the resident alien, as well as the native, when he blasphemeth the Name, shall be put to death[k].

Supplemental Priestly Codes

A traditional case

Lev. 24 [10]The son of an Israelitish woman, whose father was an Egyptian, went out among the Israelites;[l] and the son of the Israelitish woman and a man of Israel strove together in the camp, [11]and the son of the Israelitish woman blasphemed the Name and reviled; and they brought him to Moses. And his mother's name was Shelomith, the daughter of Dibri, of the tribe of Dan. [12]And they put him in prison until Jehovah's will should be disclosed to them.

Public stoning the penalty

[13]Then Jehovah commanded Moses, Lead him who hath reviled outside the camp; and let all who heard him lay their hands on his head; then let all the congregation stone him. [23]So Moses spoke to the Israelites, and they led him who had reviled outside the camp and stoned him. Thus the Israelites did as Jehovah commanded Moses.

§ 63. **False Prophecy**, Dt. 18[18-22]

Deuteronomic Codes

Death the penalty

Dt. 18 [18]A prophet like Moses will I raise up to them from time to time from their fellow countrymen; I will put my messages in his mouth, and he shall speak to them all that I command him. [19]And if any one will not give heed to my words which he shall speak in my name, I will exact punishment of him. [20]But the prophet who shall presume to deliver a message in my name, which I have not commanded him to deliver, or shall speak in the name of other gods, that prophet shall die.

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[j] Dt. 5[11] Cf. Ex. 23[1] *Take up a false report*, Nu. 23[7], Ps. 15[3], 81[2], 16[4], 24[4], *He who hath not lifted up his soul to falsehood or sworn deceitfully.* Also Is. 5[18], Ezek. 12[24], 13[6-9]. The idiom seems to mean to desecrate the name of God by swearing to what is not true, or by cursing another, or in connection with any form of sorcery or witchcraft.

[k] Lev. 24[16b] Evidently a scribal addition, for it has an expression, *congregation*, not found in the Holiness Code and is but a duplicate of [16a].

[l] Lev. 24[10-13, 23] A precedent introduced by a late priestly editor.

§ 63 Cf. note § 50.

Deuteronomic Codes

[21]And if thou shalt think to thyself, How shall we recognize the message which Jehovah hath not spoken? [22]then know that if a prophet speak in the name of Jehovah, and the prediction be not fulfilled, follow not, nor come to pass, that it is a prediction which Jehovah hath not spoken. The prophet hath spoken it presumptuously; thou need not be afraid of him. Test of true prophecy

§ 64. **Desecration of Sacred Things,** Lev. 19[30b], 22[3b], Nu. 18[22], 3[38b], 4[17-20] Lev. 7[20, 21]

Holiness Code

Lev. 19 [30b]Reverence my sanctuary: I am Jehovah. Temple

22 [3b]If[m] any man among yourselves or your descendants[n] approach the holy things which the Israelites have consecrated to Jehovah, having his uncleanness upon him, that one shall be cut off from my presence: I am Jehovah. Exclusion of all but the priests

Priestly Codes

Nu. 18 [22]Henceforth the Israelites shall not come near the tent of meeting, lest they bear the consequences of their sin and die.

Supplemental Priestly Codes

Nu. 3 [38b]The stranger that cometh near the dwelling shall be put to death. Death the penalty

4 [17]And Jehovah spoke thus to Moses and Aaron, [18]Cut ye not off the tribe of the families of the Kohathites from among the Levites; [19]but thus do to them, that they may live and not die, when they approach the most holy things: Aaron and his sons shall go in, and appoint each of them to his service and to his burden; [20]but they shall not go in to see the holy things even for a moment, lest they die.

Priestly Codes

Lev. 7 [20]One who eateth of the flesh of the peace-offerings which belong to Jehovah, having his uncleanness upon him, shall be cut off from his people. [21]And when any one toucheth an unclean thing, the uncleanness of man, or an unclean beast, or any unclean swarming creature,[o] and eateth of the flesh of the sacrifice of peace-offerings, which belong to Jehovah, that one shall be cut off from his people. Penalty for polluting sacred food

§ 65. **Labor on the Sabbath,** Ex. 34[21], 23[12] [20[8-11]], Dt. 5[12-15], Lev. 19[3b [20a]], 26[2a], Ex. 35[2, 3], 31[13b-17], Nu. 15[32, 36]

Primitive Codes

Ex. 34 [21]Six days thou shalt work, but on the seventh day thou shalt rest; in plowing time and in harvest thou shalt rest. Rest from all labor

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§ 64 These laws are peculiar to the exilic and post-exilic codes in which the sanctity of holy things is especially emphasized.

[m] Lev. 22[3b] A scribe has appended, *Say to them.*

[n] Lev. 22[3b] Lit., *throughout your generations;* this is evidently a gloss.

[o] Lev. 7[21] So the Gk., Syr., and San., Heb., *detestable thing.*

§ 65 In the oldest codes the sabbath rest is simply enjoined for social and humane reasons. Nor until it was made a religious institution by later Judaism, was labor on that day punished

Primitive Codes

23 [12]Six days thou shalt do thy work, but on the seventh thou shalt rest, that thine ox and thine ass may have rest, and that the son of thy female slave and the resident alien may be refreshed.

Deuteronomic Codes

Consecrated to rest for working beast and man

Dt. 5 [12]Observe the sabbath day to keep it holy, as Jehovah thy God commanded thee. [13]Six days thou shalt labor, and do all thy work; [14]but the seventh day is a sabbath to Jehovah thy God; in it thou shalt do no work, thou, nor thy son, nor thy daughter, nor thy male or female slave, nor thine ox, nor thine ass, nor any of thy cattle, nor the alien who resideth within thy city, that thy male and female slave may rest as well as thou. [15]Thou shalt also remember that thou wast a slave in the land of Egypt and that Jehovah thy God brought thee out from there by a mighty hand and an outstretched arm; therefore Jehovah thy God commanded thee to keep the sabbath day.[p]

Holiness Code

To be faithfully kept

Lev. 19 [3b]Ye shall keep my sabbaths: I am Jehovah your God.[q]
26 [2a]Ye shall keep my sabbaths and reverence my sanctuary.

Priestly Codes

Death to one who labors on Jehovah's day

Ex. 35 [2]Six days shall work be done;[r] but on the seventh ye shall have a day consecrated to Jehovah, a sabbath of complete rest;[s] whoever doeth any work in it shall be put to death. [3]Ye shall kindle no fire in any of your dwellings on the sabbath.

Supplemental Priestly Codes

Sabbath the sign of the covenant between Jehovah and his people

Ex. 31 [13b]Ye shall surely keep my sabbaths, for it is a sign between me and you throughout your generations; that ye may know that I am Jehovah who am sanctifying you.[t] [14]Ye shall keep the sabbath, therefore, for it is holy to you; every one who profaneth it shall surely be put to death; for whoever doeth any work in it, that one shall be cut off from among his people. [15]Six days shall work be done,[u] but on the seventh day is a sabbath of complete rest, holy to Jehovah; whoever doeth any work on the sabbath, shall surely be put to death. [16]Therefore the Israelites shall keep the sabbath, by observing the sabbath throughout their generations, as a perpetual covenant. [17]It is a sign between me and the Israelites forever, for in six days Jehovah made heaven and earth, and on the seventh day he rested and was refreshed.[v]

A traditional precedent

Nu. 15 [32]While the Israelites were in the wilderness, they found a man gathering sticks on the sabbath. [33]And those who found him gathering

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as a crime. The traditional precedent of Nu. 15^{32-36} is one of the latest additions to the Pentateuch. Cf. notes §§ 210, 217.

[p] Dt. 5^{12-15} The version of Ex. 20^{8-11} is nearly identical.

[q] Lev. 19^{3b} This injunction is repeated in ^{20a}.

[r] Ex. 35^{2} Gk. and Sam., *shalt thou work.*

[s] Ex. 35^{2} Or, cf. 16^{23} and 31^{15}, *a day holy to Jehovah, a sabbath of solemn rest.*

[t] Ex. 31^{13b}, While these vss. have many of the idioms and ideas of the Holiness Code, they abound in the expressions peculiar to the later additions to the priestly codes. For an attempt to distinguish the earlier nucleus, cf. § 217.

[u] Ex. 31^{15} Gk., *shalt thou work.*

[v] Ex. 31^{17} Cf. Gen. 2^{1-3}.

Supplemental Priestly Codes

sticks brought him to Moses and Aaron and to all the congregation. [34]And they put him in confinement, because it had not been clearly explained what should be done to him. [35]Then Jehovah said to Moses, The man shall surely be put to death; all the congregation shall stone him outside the camp. [36]So all the congregation led him outside the camp, and stoned him to death, as Jehovah commanded Moses.

II

CRIMES AGAINST THE STATE

§ 66. Bribery, Ex. 23[8], Dt. 16[19b], 27[25]

Primitive Codes

Ex. 23 [8]Thou shalt take no bribe, for a bribe blindeth those who see, and perverteth the cause of the righteous. Prohibition

Deuteronomic Codes

Dt. 16 [19b]Thou shalt not take a bribe, for a bribe blindeth the eyes of the wise and subverteth the cause of the righteous.

27 [25]Cursed be he who taketh a bribe to condemn an innocent person. And all the people shall say, So let it be. Public condemnation

§ 67. Perverting Justice, Ex. 23[1-3, 6, 7], Dt. 16[19a, 20], Lev. 19[15 [35a]]

Primitive Codes

Ex. 23 [1]Thou shalt not spread abroad[a] a false report. Do not enter into a conspiracy with[b] a wicked man to be an unrighteous witness. [2]Thou shalt not follow the majority in doing wrong. Thou shalt not bear testimony in a case,[c] so as to pervert justice. [3]Thou shalt not show partiality to a poor man in his cause. [6]Thou shalt not prevent justice being done to thy poor in his cause. [7]Keep aloof from every false matter; and do not condemn the innocent[d] or him who has a just cause. Do not vindicate[e] a wicked man. Not to thwart justice either as witness or judge

Deuteronomic Codes

Dt. 16 [19a]Thou shalt not pervert justice. Thou shalt not show partiality. [20]Justice, and only justice shalt thou follow, that thou mayest live and inherit the land which Jehovah thy God giveth thee. Absolute impartiality

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Crimes against the State.—Since in most criminal offences Jehovah or else, as in murder, the family of the slain was regarded as the plaintiff, few misdemeanors were classed in Heb. law as crimes against the state. They were limited simply to those acts which endanger the integrity of the public tribunals.

[a] Ex. 23[1] Lit., *take up*. The same word is used in Ex. 20[7].

[b] Ex. 23[1] Lit., *put thy hand with*.

[c] Ex. 23[2] Omitting the clause, *to turn aside after the majority*, which is apparently a verbal repetition of the preceding clause. Gk., *so as to pervert justice*.

[d] Ex. 23[7] Lit., *slay*.

[e] Ex. 23[7] Following the obviously superior reading of the Gk. and Sam.

Holiness Code

Lev. 19 [15]Ye shall do no injustice in rendering a judicial decision. Thou shalt not show partiality to the poor nor have undue consideration for the powerful; but justly shalt thou judge thy neighbor.

§ 68. Perjury, Dt. 5[20] [Ex. 20[16]], Dt. 19[16-21], Lev. 19[12]

Deuteronomic Code

Prohibition

Dt. 5 [20]Thou shalt not bear false witness against thy neighbor.

Punishment to correspond to the nature of the false testimony

19 [16]If a malicious witness stand up against a man to accuse him of treason, [17]then both the men who have the dispute shall stand before Jehovah, before the priests and the judges who shall be officiating in those days; [18]and the judges shall thoroughly investigate, and should it prove that the witness is a false witness, and hath testified falsely against his fellow countryman, [19]then shall ye do to him, as he had purposed to do to his fellow countryman; thus shalt thou purge away the evil from thy midst. [20]And those who remain shall hear and fear, and never again do any such evil in thy midst. [21]Thou shalt show no pity; life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Holiness Code

Lev. 19 [12]Ye shall not swear by my name falsely, so as to profane the name of thy God : I am Jehovah.

§ 69. Deliberate Defiance of the Law, Dt. 17[12, 13], Nu. 15[30, 31]

Deuteronomic Codes

Death the penalty

Dt. 17 [12]Should a man act so presumptuously as not to hearken to the priest who standeth to minister there before Jehovah thy God, or to the judge, that man shall die: thus thou shalt purge away the evil from Israel, [13]so that all the people may hear, and fear, and never again act presumptuously.

Priestly Codes

Nu. 15 [30]A person who acts wilfully, whether he is a native or a resident alien, the same blasphemeth Jehovah; and that one shall be cut off from among his kinsmen. [31]Because he hath despised the word of Jehovah and hath broken his command, that one shall utterly be cut off; he shall bear the consequences of his iniquity.

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§ 68 Here the penalty enjoined in the Deuteronomic codes and that of Hammurabi is substantially the same:

§ 3 If a man has borne false witness in a trial, or has not established the statement that he has made, if that case be a capital trial, that man shall be put to death. § 4. If he has borne false witness in a civil law case, he shall pay the damages in that suit.

§ 69 The law in Dt. 17[12, 13] deals simply with a case which had been decided by the central tribunal at Jerusalem.

III

CRIMES AGAINST MORALITY AND DECENCY

§ 70. Adultery, Dt. 5[18] [Ex. 20[14]], Dt. 22[22-24], Lev. 18[20], 20[10], Nu. 5[12b, 13a, c, 15, 18, 21, 23, 24, 26a, 27b, 31]

Deuteronomic Codes

Prohibition

Dt. 5 [18]Thou shalt not commit adultery.

Death the penalty

22 [22]If a man be found lying with a married woman, they shall both of them die, the man who lay with the woman and the woman; thus shalt thou purge away the evil from Israel.

Also in case of a betrothed virgin

[23]If a man find in the city a young woman who is a virgin betrothed to a husband, and lie with her, [24]then ye shall bring them both out to the gate of that city and stone them to death, the damsel because she did not cry out, although she was in the city, and the man because he hath seduced his neighbor's wife; thus shalt thou purge away the evil from thy midst.

Holiness Code

Later prohibition

Lev. 18 [20]Thou shalt not enter into illicit intercourse with thy neighbor's wife to defile thyself with her.

20 [10]If a man commit adultery[f] with his neighbor's wife, the adulterer as well as the adultress shall be put to death.

Priestly Codes

Procedure in case of a suspected wife

Nu. 5 [12b]If a man's wife turn aside[g] and is unfaithful to him, [13a,c] and a man enter into illicit relations with her and it be hid from her husband, and there be no witness against her and she be not caught in the act, [15]then the man shall take his wife to the priest, and shall bring an offering for her, the tenth part of an ephah of barley meal; he shall pour no oil upon it nor put frankincense on it, for it is a cereal-offering of jealousy, a memorial cereal-offering, bringing iniquity to remembrance. [18]Then the priest shall place the woman before Jehovah, and loosen the hair of the woman's head, and put in her hands the memorial cereal-offering, which is the cereal-offering of jealousy, and the priest shall hold in his hand the water of bitterness which causeth the curse.

The oath of execration

[21]Then the priest shall make the woman swear with the oath of execration,

§ 70 Most primitive people dealt very severely with the crime of adultery. Thus the code of Hammurabi decrees that:

§ 129 *If a man's wife be caught lying with another, they shall be strangled and cast into the water. If the wife's husband would save his wife, the king can save his servant.*

The aim in all these laws was clearly to preserve intact the integrity and purity of the family and clan. The laxness of public opinion and modern laws in dealing with this most hideous of crimes, which condemns families and individuals to lives of unspeakable pain and ignominy, stands in disgraceful contrast to the attitude of the ancients who classed it with murder.

[f] Lev. 20[10] A scribe has added by mistake, *with another man's wife, even he who committeth adultery.*

[g] Nu. 5[12b] Cf. note § 10 for the reasons for the analysis here presented. This law is one of the earlier sections of the priestly codes, but it evidently reproduces a very primitive custom.

Priestly Codes

and the priest shall say to the woman, Jehovah make you an execration and an oath among thy people, when Jehovah causeth thy thigh to fall away, and thy body to swell. [23]Then the priest shall write these execrations in a book, and he shall wipe them off into the water of bitterness, [24]and he shall make the woman drink the water of bitterness that causeth the curse, so that the water that causeth the curse may enter into her and become bitter. [26a]The priest shall also take a handful of the cereal-offering, as its memorial-offering, and burn it upon the altar. [27b]Thus the woman shall become an execration among her people. [31]The man shall be free from guilt, but that woman must bear her own guilt.

§ 71. Illicit Intercourse, Lev. 19[20-22]

Holiness Code

Procedure in the case of a betrothed female slave

Lev. 19 [20]If any man lieth carnally with a woman, who is a slave, betrothed to another man, but who has in nowise been redeemed nor given her freedom, there shall be a judicial inquiry, but they shall not be put to death,[h] because she was not free.

Priestly Codes

Lev. 19 [21]The man shall bring his guilt-offering to Jehovah, to the entrance of the tent of meeting, a ram as a guilt-offering; [22]and the priest shall make atonement for him with the ram of the guilt-offering before Jehovah for his sin which he hath committed; then the sin which he hath committed shall be forgiven him.

§ 72. Unlawful Marriage, Dt. 22[30], 27[20, 22, 23], Lev. 18[6-18], 20[11, 12, 14, 17, 20, 21]

Deuteronomic Codes

With stepmother

Dt. 22 [30]A man shall not marry his father's wife, and shall not uncover his father's skirt.

Public condemnation of incest

27 [20]Cursed be he who lieth with his father's wife, because he hath uncovered his father's skirt. And all the people shall say, So may it be.

[22]Cursed be he who lieth with his half-sister, the daughter of his father, or the daughter of his mother. And all the people shall say, So may it be.

[23]Cursed be he who lieth with his mother-in-law. And all the people shall say, So may it be.

Holiness Code

With a mother or sister

Lev. 18 [6]None of you shall approach any who are closely related to him, to uncover their nakedness: I am Jehovah. [7]The nakedness of thy father and the nakedness of thy mother, shalt thou not uncover; she is thy mother;

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[h] Lev. 19[20] Or, *he shall be examined, but he shall not die.*

§ 72 The Hammurabi code is in part parallel to the O.T. laws:

§ 157 *If a man, after his father's death, has lain in the bosom of his mother, they shall both of them be burnt together.*

§ 158 *If a man, after his father's death, be caught in the bosom of his step-mother, who has borne children, that man shall be cut off from his father's house.*

Holiness Code

thou shalt not uncover her nakedness. 8The nakedness of thy father's wife shalt thou not uncover: it is thy father's nakedness. 9The nakedness of thy sister, the daughter of thy mother,[i] whether born at home or away, her nakedness thou shalt not uncover.

With a granddaughter, aunt, daughter-in-law, or sister-in-law

10The nakedness of thy son's daughter or of thy daughter's daughter, their nakedness thou shalt not uncover, for their nakedness is thine own. 11The nakedness of thy father's wife's daughter, begotten of thy father, who is thy sister, her nakedness thou shalt not uncover. 12Thou shalt not uncover the nakedness of thy father's sister; she is thy father's near kinswoman. 13Thou shalt not uncover the nakedness of thy mother's sister, for she is thy mother's near kinswoman. 14Thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach his wife, she is thine aunt. 15Thou shalt not uncover the nakedness of thy daughter-in-law;[j] she is thy son's wife; thou shalt not uncover her nakedness. 16Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness. 17Thou shalt not uncover the nakedness of a woman and her daughter; thou shalt not take her son's daughter, or her daughter's daughter, to uncover her nakedness; they are thy near kinswomen; it is unchastity. 18And thou shalt not take a woman as your wife in addition to her sister, to be her rival, to uncover her nakedness, beside the other in her lifetime.

With both a mother and daughter, or granddaughter, or two sisters

Lev. 20 11A man who lieth with his father's wife has uncovered his father's nakedness; both of them shall surely be put to death; they shall be responsible for their own death. 12And if a man lies with his daughter-in-law, both of them shall surely be put to death; they have done what is unnatural; they shall be responsible for their own death.

Penalties for different forms of incest

14And if a man taketh a wife and her mother, it is unchastity; they shall be burnt with fire, both he and they, that there may be no unchastity among you. 17And if a man shall take his sister, whether his father's daughter, or his mother's daughter,[k] he hath uncovered his sister's nakedness; he shall bear the consequences of his iniquity. 20And if a man shall lie with his uncle's wife, he hath uncovered his uncle's nakedness; they shall bear the consequences of their sin; they shall die childless. 21And if a man shall take his brother's wife, it is impurity; he hath uncovered his brother's nakedness; they shall be childless.

§ 73. Sodomy, Lev. 18²², 20¹³

Holiness Code

Lev. 18 22Thou shalt not lie with a man, as with a woman; it is an abomination.

Prohibition

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[i] Lev. 18⁹ Cf. § 3 noted.

[j] Lev. 18¹⁵ The corresponding law of Hammurabi reads: § 155. *If a man has betrothed a maiden to his son and his son has known her, and afterward the man has lain in her bosom, and been caught, that man shall be strangled and she shall be cast into the water.*

[k] Lev. 20¹⁷ The Heb. adds a supplemental note providing for the punishment of both, *and see her nakedness, and she see his nakedness, it is a disgrace; and they shall be cut off in the sight of the children of their people.* Lev. 20¹⁹ *And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister, for he who does this has made naked his near kin; they shall bear the consequences of their iniquity* is also an awkward gloss differing in style from the context.

§ 73 For the origin of the term sodomy, cf. Gen. 19⁴⁻⁸. In antiquity it was apparently a common crime.

Holiness Code

Death the penalty

20 [13]If a man lieth with a man, as with a woman, both of them have committed an abomination: they shall surely be put to death; they shall be responsible for their own death.

§ 74. Bestiality, Ex. 22[19], Dt. 27[21], Lev. 18[23.25], 20[15. 16], 18[19], 20[18]

Primitive Codes

Ex. 22 [19]Whoever lieth with a beast shall surely be put to death.

Deuteronomic Codes

Death the penalty

Dt. 27 [21]Cursed be he who lieth with any manner of beast. And all the people shall say, So may it be.

Holiness Code

Later prohibitions

Lev. 18 [23]And thou shalt not lie with any beast to defile thyself with it, nor shall any woman stand before a beast, to lie down to it; it is unnatural. [24]Defile not yourselves in any of these ways for in all these ways the nations, which I am casting out before you, defiled themselves; [25]thus the land became defiled and I visited its guilt upon it and the land cast forth its inhabitants.

20 [15]If a man lieth with a beast, he shall surely be put to death and ye shall slay the beast. [16]And if a woman approach any beast to lie down with it, thou shalt kill the woman and the beast; they shall be put to death; their blood shall be upon them.

18 [19]Thou shalt not approach a woman to uncover her nakedness as long as she is impure through her monthly uncleanness.

20 [18]If a man shall lie with a woman having her sickness and shall uncover her nakedness,[l] both of them shall be cut off from among their people.

§ 75. Prostitution, Dt. 23[17. 18], Lev. 19[29], 21[9]

Deuteronomic Codes

Prohibition of temple prostitutes

Dt. 23 [17]None of the Israelitish women or men shall become a temple prostitute.[m] [18]Thou shalt not bring the hire of a harlot or the wages of such a dog into the house of Jehovah thy God for any vow, for both these are an abomination to Jehovah thy God.[n]

Holiness Code

Penalty for a priest's daughter

Lev. 19 [29]Profane not thy daughter by making her a harlot, lest the land fall into harlotry, and the land become full of unchastity.

21 [9]If the daughter of a priest profaneth herself by playing the harlot, she profaneth her father; she shall be burnt with fire.

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[l] Lev. 20[18] The Heb. adds what is probably a supplemental gloss, *he has laid bare her fountain and she has uncovered the fountain of her blood.*

[m] Dt. 23[17] The current rendering, *sodomite* is incorrect.

[n] Dt. 23[17. 18]. Heb., 23[18. 19].

§ 76. Indecent Assault, Dt. 25[11, 12]

Deuteronomic Codes

Dt. 25 [11]When men strive with one another, and the wife of the one draweth near to deliver her husband from the one who is attacking him, and putteth forth her hand, and taketh him by his private members, [12]thou shalt cut off her hand; thou shalt show no pity. Penalty mutilation

§ 77. Interchange of the Dress of the Sexes, Dt. 22[5]

Deuteronomic Codes

Dt. 22 [5]A woman shall not wear any article pertaining to a man, neither shall a man put on a woman's garment, for whoever doeth these things is an abomination to Jehovah thy God. Prohibition

§ 78. Unnatural Mixtures, Dt. 22[9-11], Lev. 19[19]

Deuteronomic Codes

Dt. 22 [9]Thou shalt not sow thy vineyard with two kinds of seed, lest the whole be forfeited° to the sanctuary; the seed which thou hast sown, and the increase of the vineyard. [10]Thou shalt not plough with an ox and an ass together. [11]Thou shalt not wear stuff made of mixed wool and linen. Prohibition in case of seed

Holiness Code

Lev. 19 [19]Ye shall keep my statutes. Thou shalt not let thy cattle breed with a different kind. Thou shalt not sow thy field with two kinds of seed, and thou shalt not wear a garment of mixed goods. In case of animals

§ 79. Kidnapping, Ex. 21[16], Dt. 24[7]

Primitive Codes

Ex. 21 [16]He that stealeth a man, and selleth him, or if he still be found in his hand, the thief shall surely be put to death. Death the penalty

Deuteronomic Codes

Dt. 24 [7]If a man be found stealing any of his fellow Israelites, and he treat him as a slave or sell him, then that thief shall die; thus shalt thou purge away the evil from thy midst.

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§ 76 This is the one case in which the Heb. law countenances the mutilation of the culprit. The aim is to prevent by the severity of the judgment all immodest acts of which the present case is a type.

° Dt. 22[9] Lit., *become sacred.*

§ 79 The Code of Hammurabi is equally severe in punishing this heinous crime: § 14. *If a man has stolen a child, he shall be put to death.* § 15. *If a man has induced either a male or female slave from the house of a patrician or plebeian to leave the city, he shall be put to death.*

§ 80. **Covetousness,** Dt. 5[21] [Ex. 20[17]]

Deuteronomic Codes

Prohibition

Dt. 5 [21]Thou shalt not covet thy neighbor's wife, neither shalt thou desire thy neighbor's house, his field, or his male or female slave, his ox, or his ass, or anything that is thy neighbor's.

§ 81. **Lying,** Lev. 19[11b]

Holiness Code

Prohibition

Lev. 19 [11b]Ye shall not lie to one another.

IV

CRIMES AGAINST THE PERSON

§ 82. **Dishonoring Parents,** Ex. 21[15, 17] [20[12], Dt. 5[16], 21[18-21], 27[16], Lev. 19[3a], 20[9]]

Primitive Codes

Penalty in extreme cases

Ex. 21 [15]He that striketh his father or his mother shall be put to death. [17]He that curseth his father or mother shall be put to death.

§ 83. **Murder,** Ex. 21[12-14, 20, 21], Dt. 5[17] [Ex 20[13]], Dt. 19[11-13], Lev. 24[17, 21b], Gen. 9[5, 6], Nu. 35[14-34]

Primitive Codes

Penalty according to intent

Ex. 21 [12]If a man strike another so that he die, the manslayer shall be put to death. [13]If a man lie not in wait, but God deliver him into his hand, then I will appoint thee a place to which he may flee. [14]If a man attack

§ 80 The original injunction probably read, simply, *thou shalt not covet;* the different codes have variously expanded it, in defining its application. Ex. 20[17] reads, *Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his male or female servant, nor his ox, nor his ass, nor anything that is thy neighbor's.* Like the law of love in Lev. 19, it is one of the few enactments which define, as did Jesus, individual responsibility for the motives as well as the resulting acts.

§ 81 This law is in striking contrast to the oriental attitude toward telling the truth, which is expressed by the popular proverb, *A lie is the salt of a man.*

§ 82 For the additional laws under this head cf. § 1. The Deuteronomic codes provide that the parents must present to the elders of the city a formal charge against their son, and then that the community stone him to death. The Holiness Code simply reiterates the injunction of the primitive codes. For the corresponding regulations in the Code of Hammurabi, cf. note § 1. It also enacts that: § 195. *If a son has struck his father, his hands shall be cut off.*

§ 83 The Heb. laws aimed thoroughly to protect the innocent, as well as to punish the guilty. Each succeeding law sought more carefully to correct the abuses incidental to the pervading law of blood revenge and to guard only those who had committed unintentional murder. At the same time the responsibility for punishing a murderer is left not with the state but with the relatives of the slain. Cf. note § 53 for a discussion of the cities of refuge and Josh. 20[7, 8] for the late priestly list of these cities. The detailed law in Nu. 35[14-34] is introduced in a very late priestly section, which, contrary to the earlier priestly codes, Nu. 18[20, 24], assigns forty-eight cities to the Levites. The linguistic evidence also indicates that it is one of the latest additions to the O.T., cf. note § 160.

Primitive Codes

another maliciously to slay him by treachery, thou shalt take him from my altar, that he may be put to death.

[20]If a man strike his male or female slave with a stick so that he die at once, the master must be punished. [21]If, however, the slave survive a day or two, the master shall not be punished, for it is his own loss. In case of slaves

Deuteronomic Codes

Dt. 5 [17]Thou shalt not kill.

19 [11]If any man hate his neighbor, and lie in wait for him, and attack him and strike him mortally so that he die, and the murderer flee into one of the cities of refuge, [12]the elders of his city shall send and bring him and deliver him into the hand of the avenger of blood, that he may die. [13]Thou shalt have no mercy on him, but thou shalt purge away the innocent blood from Israel, that it may go well with thee. No altar-asylum for the guilty

Holiness Code

Lev. 24 [17]He that smiteth any man mortally shall surely be put to death. [21b]He that killeth a man shall be put to death. Life for life

Priestly Codes

Gen. 9 [5]Surely your own blood will I require; from every beast will I require it, and at the hand of every man, even at the hand of every man's brother, will I require the life of man. [6]He that sheds man's blood, by man shall his blood be shed, for in the image of God made he man.

Supplemental Priestly Codes

Nu. 35 [14]Ye shall set apart three cities beyond the Jordan, and three cities shall ye set apart in the land of Canaan; they shall be cities of refuge. [15]These six cities shall be for refuge for the Israelites and for the resident alien and the one who hath settled among them, that every one who hath killed another unintentionally may flee to them. Cities of refuge

[16]But if he smote him with an iron weapon, so that he died, he is a murderer; the murderer shall surely be put to death. [17]If he smote him with a stone such as can be held in the hand, whereby a man may die, so that he died, he is a murderer; the murderer shall surely be put to death. [18]Or if he smote him with a weapon of wood such as can be held[p] in the hand, whereby a man may die, so that he died, he is a murderer; the murderer shall surely be put to death. [19]The avenger of blood shall himself put the murderer to death; when he meeteth him, he shall put him to death. [20]If he pushed him through hatred, or hurled anything[q] at him insidiously, so that he died, [21]or in enmity smote him with his hand, so that he died, he who smote him shall surely be put to death; he is a murderer; the avenger of blood shall put the murderer to death, when he meeteth him. Laws to be applied in case of intentional murder

[p] Nu. 35[18] So Gk. and Sam.
[q] Nu. 35[20] So Gk. Heb. omits, *anything*.

Supplemental Priestly Codes

In case of accidental homicide

[22]But if he pushed him inadvertently and not out of enmity, or hurled at him anything without lying in wait, [23]or cast at him, without seeing him, any stone whereby a man may die, so that he died, and he had not been his enemy nor sought his harm, [24]then the congregation shall judge between the smiter and the avenger of blood according to these ordinances. [25]Thus the congregation shall rescue the manslayer from the hand of the avenger of blood, and the congregation shall send him back to his city of refuge, whither he had fled, that he may dwell therein until the death of the high priest, who was anointed with the holy oil. [26]But if the manslayer shall at any time go beyond the border of his city of refuge, whither he fled, [27]and the avenger of blood find him without the border of his city of refuge, and the avenger of blood slay the manslayer, he shall not be guilty of blood, [28]because he should have remained in his city of refuge until the death of the high priest; but after the death of the high priest the manslayer may return to his own land.

Safeguards of justice and order

[29]These shall serve as a statute and regulative ordinance for you throughout your generations in all your dwellings. [30]In every case of murder the murderer shall be put to death on the testimony of witnesses; on the testimony of but one witness, however, shall no one suffer death. [31]Moreover ye shall take no ransom for the life of a murderer who is guilty of death, but he shall surely be put to death. [32]And ye shall take no ransom for him who hath fled to his city of refuge, that he may return to dwell in the land, until the death of the high[r] priest. [33]So ye shall not pollute the land wherein ye dwell,[s] for blood especially polluteth the land, and no expiation can be made for the land for the blood that is shed therein but by the blood of him who shed it. [34]So ye[t] shall not defile the land which ye inhabit, in the midst of which I dwell; for I, Jehovah, dwell in the midst of the Israelites.

§ 84. Assault, Ex. 21[15, 18, 26, 27], Dt. 27[24], Lev. 24[19]

Primitive Codes

Penalty if victim is a parent

Ex. 21 [15]He that striketh his father or his mother shall surely be put to death.

For injury inflicted in a fight

[18]If men contend and one strike the other with a stone or a club,[u] and he do not die, but is confined to his bed, then, if he rise again, and can walk out supported on his staff, the one who struck him shall be acquitted; only he must pay for the loss of the other man's time until he is thoroughly healed.

Injury to a slave

[26]If a man strike his male or female slave in the eye, so as to destroy it, he shall let him go free because of the loss of his eye. [27]If he knock out his

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[r] Nu. 35[32] So Gk., Sam., and Syr. The Heb. omits, *high*.
[s] Nu. 35[33] So Gk., Sam., and Syr. The Heb. has no verb.
[t] Nu. 35[34] So Gk., Sam., and Syr. The Heb. has, *thou shalt*.
[u] Ex. 21[18] Or, *fist*. So Gk.; but the Targs. interpret, *club*, and this is best supported by the context.

§ 84. For the corresponding detailed laws of Hammurabi cf. Appendix VI. In both the Heb. and Bab. systems the *lex talionis* is still in force, although the tendency to substitute a milder penalty is apparent, and always when the victim is a slave.

Primitive Codes

male or female servant's tooth, he shall let him go free because of the loss of his tooth.

Deuteronomic Codes

Dt. 27 [24]Cursed be he that smiteth his neighbor in secret. And all the people shall say, So may it be. Public condemnation

Holiness Code

Lev. 24 [19]If a man disfigureth his neighbor, as he hath done, so shall it be done to him. Penalty for mutilation

§ 85. Personal Injury, Ex. 21[28-32, 22-25]

Primitive Codes

Ex. 21 [28]If an ox fatally gore a man or woman, the ox shall be stoned and its flesh shall not be eaten, but the owner of the ox shall be acquitted. [29]But if the ox was already in the habit of goring, and it hath been reported to its owner and he hath not kept it in, with the result that it hath killed a man or a woman, the ox shall be stoned and its owner also shall be put to death. [30]If a ransom is fixed for him, he shall give for the redemption of his life whatever amount is determined. [31]Whether the ox hath gored a boy or a girl, this law shall be executed.[v] [32]If the ox gore a male or female servant, thirty silver shekels shall be given to their master and the ox shall be stoned. Penalty if inflicted by an animal

[22]If men strive together and hurt a pregnant woman so that she hath a miscarriage and yet no harm to her result, he shall be fined, as the woman's husband shall determine,[w] and he shall pay for the miscarriage. [23]But if any harm follow, then thou shalt give life for life, [24]eye for eye, tooth for tooth, hand for hand, foot for foot, [25]branding for branding, wound for wound, stripe for stripe.[x] If inflicted upon a pregnant woman

§ 86. Rape, Dt. 22[25-27]

Deuteronomic Codes

Dt. 22 [25]If a man find a young woman who is betrothed in the field and the man force her and lie with her, then simply the man who lay with her shall die, [26]but thou shalt do nothing to the young woman; the young woman hath committed no sin worthy of death, for this case is as when a man attacketh his neighbor and slayeth him, [27]for he found her in the field, the betrothed young woman cried out, but there was none to save her. Death penalty for the guilty man

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§ 85 The laws of Hammurabi are very similar:
§ 251 *If a man's ox be a gorer, and has revealed its evil propensity as a gorer, and he has not blunted its horn or shut up the ox, and then that ox has gored a free man and caused his death, the owner shall pay half a mina of silver.* § 252. *If it be a slave that has been killed, he shall pay one third of a mina of silver.*

[v] Ex. 21[31] Lit., *according to this judgment* (or *ruling*) *shall it be done to him.*

[w] Ex. 21[22] Slightly correcting the text as suggested by Budde. The present Heb. construction is very doubtful. It may possibly be translated, *as the judges determine.*

[x] Ex. 21[22-25] For the somewhat similar laws of Hammurabi, cf. Appendix VI, §§ 209–214.

§ 87. Seduction, Ex. 22[16, 17], Dt. 22[28, 29]

Primitive Codes

Penalty

Ex. 22 [16]If a man entice a virgin, who is not betrothed and lie with her, he must make her his wife by paying a dowry for her. [17]If her father refuse absolutely to give her to him, he shall pay money equivalent to the dowry of young girls.

Deuteronomic Codes

The later law

Dt. 22 [28]If a man find a virgin, who is not betrothed, and take hold of her, and lie with her, and they be caught in the act, [29]then the man who lay with her shall give to the girl's father fifty shekels of silver; moreover she shall be his wife, because he hath humbled her; he may not divorce her as long as he lives.

§ 88. Wronging the Defenceless, Ex. 22[21-24], Dt. 24[14a], 27[18, 19], Lev. 19[14, 33]

Primitive Codes

Aliens, widow, and orphans

Ex. 22 [21]Thou shalt not wrong nor oppress a resident alien, for ye were aliens residing in the land of Egypt.[y] [22]Ye shall not afflict any widow or fatherless child. [23]If thou afflict them at all and they cry to me, I will surely hear their cry; [24]and my wrath shall be aroused, and I will slay you with the sword, so that your wives shall be widows and your children fatherless.

Deuteronomic Codes

Hired servants

Dt. 24 [14a]Thou shalt not oppress a hired servant who is poor and needy.

Blind

27 [18]Cursed be the one who maketh the blind wander out of the way. And all the people shall say, So may it be.

Public condemnation

[19]Cursed be the one who perverteth the justice due the resident alien, fatherless, and widow. And all the people shall say, So may it be.

Holiness Code

Deaf, blind, and aliens

Lev. 19 [14]Thou shalt not curse the deaf, nor put a stumbling block before the blind; but thou shalt fear thy God: I am Jehovah. [33]And if an alien make his home with you[z] in your land, ye shall do him no wrong.

§ 89. Slander, Ex. 23[1a], Lev. 19[16]

Primitive Codes

Prohibition

Ex. 23 [1a]Thou shalt not spread abroad a false report.

Holiness Code

Lev. 19 [16]Thou shalt not go about as a tale bearer among thy people; nor shalt thou seek the blood of thy neighbor: I am Jehovah.

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§ 88 Cf. note § 106.

[y] Ex. 22[21] This vs. is in part duplicated in 23[9], *Thou shalt not oppress a resident alien, for ye know how a resident alien feeleth, since ye were aliens residing in the land of Egypt.*

[z] Lev. 19[33] So Gk., Sam., and Syr. Heb., *thee.*

§ 89 The Heb. codes suggest no definite penalty for this pernicious crime. Hammurabi's Code, however, is grimly definite:

§ 127 *If a man has caused the finger to be pointed at a votary, or a man's wife, and has not justified himself, that man shall be brought before the judges, and have his forehead branded*

V

CRIMES AGAINST PROPERTY

§ 90. Theft, Ex. 22[1-4] [20[15]], Dt. 5[19], 23[24, 25], Lev. 19[11a], 6[2-7]

Primitive Codes

Ex. 22 [1]If a man shall steal an ox or a sheep, and kill or sell it, he shall restore five oxen for one ox and four sheep for one sheep. [4]If the theft be found in his hand alive, whether it be ox, or ass, or sheep, he must pay twice its value. [3b]If he have nothing, then he shall be sold to pay for what he hath stolen. Penalties

[2]If the thief be found breaking in and be struck down so that he die, the one who striketh him is not guilty of murder. [3b]If the sun hath risen, the one who striketh him is guilty of murder; he must make restitution. In case thief is killed

Deuteronomic Codes

Dt. 5 [19]Thou shalt not steal.

23 [24]When thou comest into thy neighbor's vineyard, thou mayest eat of grapes thy fill at thine own pleasure, but thou shalt not put any in thy vessel. [25]When thou comest into thy neighbor's standing grain, thou mayest gather the heads with thy hand,[a] but thou shalt not put[b] a sickle to thy neighbor's standing grain. Prohibition Limitation of right in natural products

Holiness Code

Lev. 19 [11a]Thou shalt not steal.

Priestly Codes

Lev. 6 [2]If any one sin and break faith with Jehovah, by deceiving his neighbor in regard to a deposit or a pledge, or by robbing or defrauding his neighbor, [3]or if he hath found something which was lost and deny it and perjure himself, if by doing any one of these things [4]a man hath sinned, and so is guilty, he shall restore that which he took by robbery, or the thing which he obtained by fraud, or the deposit which was entrusted to him, or the lost thing which he found, [5]or anything about which he swore falsely; he shall restore it in full, and shall add to it a fifth more; he shall give it to its rightful owner on the day when he is found guilty. [6]He shall also bring to the priest his guilt-offering for Jehovah, a ram without blemish out of the Reparation for things stolen or obtained fraudulently

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Crimes against Property.—As has been noted in the Introd., p. 25, one of the fundamental differences between the O.T. and Bab. codes is that, while the Code of Hammurabi is prodigal of human life, the Heb. laws carefully guard it; but in regard to property the emphasis is reversed. For the detailed Bab. laws regarding crimes against property cf. Appendix VII.

The relatively slight attention given in the O.T. to the rights of property is one of the many lines of evidence proving that the interests and ambitions of the early Israelites lay rather in national and religious than in material realms.

[a] Dt. 23[25] Cf. Mt. 12[1]. Lk. 6[1] for the action of Jesus' disciples, which was in accord with this ancient law.

[b] Dt. 23[25] Lit., *move.*

Priestly Codes

flock, according to thy valuation, as a guilt-offering. [7]Then the priest shall make atonement for him before Jehovah, and he shall be forgiven for whatever he may have done to incur guilt.

§ 91. Land Stealing, Dt. 19[14], 27[17]

Deuteronomic Codes

Prohibition

Dt. 19 [14]Thou shalt not remove thy neighbor's landmark, which they of former generations have set, in thine inheritance which thou shalt inherit, in the land which Jehovah thy God giveth thee as a possession.

Public condemnation

27 [17]Cursed be he that removeth his neighbor's landmark. And all the people shall say, So may it be.

§ 92. False Weights and Measures, Dt. 25[13-16], Lev. 19[35-37]

Deuteronomic Codes

Prohibition of dishonesty in business

Dt. 25 [13]Thou shalt not have in thy bag diverse weights,[c] a great and a small. [14]Thou shalt not have in thy house diverse measures,[d] a great and a small. [15]A perfect and just weight shalt thou have; a perfect and just measure shalt thou have, that thou mayest live long in the land which Jehovah thy God giveth thee. [16]For all who do these things, even all who do unrighteously, are an abomination to Jehovah thy God.

Holiness Code

Honesty in all social and business relations

Lev. 19 [35]Ye shall do no unrighteousness in judgment, or with rule, or with weight, or with measure. [36]Just balances, just weights, a just ephah, and a just hin shall ye have: I am Jehovah your God, who brought you out of the land of Egypt. [37]Ye shall therefore observe all my statutes and all my ordinances, and do them: I am Jehovah.

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§ 91 Boundary stones among the Babylonians, as well as the Hebrews, marked the limits of estates, and to move them was the usual mode of stealing land. The references in the prophetic and wisdom books indicate that the crime was a common one in Israel, cf. Hos. 5[10], Pr. 22[28], 23[10], Job 24[2]. The Babylonians, Greeks and Romans placed the boundary stones under the protection of the gods, and regarded them as sacred. The Roman law provided that those who attempted to move them might be slain (Dron. Hal. ii, 74).

The law of Dt. 27[17] recalls the curses of the ancient Bab. kings upon those who removed their neighbor's landmarks, cf. John's, *Bab. and Assyr. Laws, Contracts and Letters*, 191.

§ 92 These laws aim to counteract the common oriental custom of cheating in trade. When the weights used were ordinary stones, the temptation to steal was strong and its detection difficult.

[c] Dt. 25[13] Lit., *a stone and a stone, i. e.*, stones of different size. Cf. Am. 8[5] and Pr. 20[23].

[d] Dt. 25[14] Lit., *two different ephahs.* Cf. Am. 8[5], Mi. 6[10] and Ezek 45[10].

HUMANE LAWS

HUMANE LAWS

I

KINDNESS TOWARDS ANIMALS

§ 93. The Threshing Ox, Dt. 25[4]

Deuteronomic Codes

Dt. 25 [4]Thou shalt not muzzle the ox when it treadeth out the grain. Profit sharing

§ 94. Wild Animals, Ex. 23[11], Lev. 25[5-7]

Primitive Codes

Ex. 23 [11]The seventh year thou shalt let the land rest and lie fallow, that the poor of thy people may eat; and what they leave the wild beasts shall eat. In like manner thou shalt do with thy vineyard and thy olive-yard. Object of the sabbatical year

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Humane Laws.—Although the majority of the laws included under this head have already been classified elsewhere, they are here grouped together as a basis for the comprehensive study of the most distinctive element in the O.T. codes. A comparison of the O.T. laws with the still earlier Code of Hammurabi or the contemporary Assyrian, Egyptian or Phœnician systems reveals far more points of analogy than difference. All assume very much the same characteristic oriental institutions, such as the kingly form of government, slavery, the secondary place of woman, and ceremonial worship, centring about certain sanctuaries cf. Introd., p. 6. To these humane laws, however, the other legal systems of antiquity present few parallels. They represent the high-water mark of Heb. legislation. In them the teachings of the prophets, who preached not only justice but consideration for the needy and love to all men, find concrete expression. Like the prophets, who inspired them, they rise far above the sordid standards of their age and anticipate at many points the perfect teachings of the divine Prophet of Nazareth. Most of the O.T. laws have been superseded by others better adapted to the changed conditions of to-day, but these humane laws, in spirit, if not in actual form, have been incorporated in our modern systems or else remain lofty ideals towards which civilization is slowly but surely moving.

It is natural that the majority of them should be found in the Deuteronomic codes, which have been most directly touched by the spirit and lofty teachings of the prophets of the Assyrian period, cf. Introd., p. 31. The hortatory form of many of them also reveals the powerful influence of the prophets. In most of these laws no distinct penalty is prescribed in case the given command is not obeyed. Often the appeal is simply to the individual conscience, and Jehovah is recognized as the only judge who can execute. Sometimes, when great self-denial is required to keep a given law, as for example, the remission of interest to the needy, the promise is added that God will give prosperity to those who obey. Elsewhere the people are warned lest they incur Jehovah's displeasure by disobedience. Frequently the appeal is to the national sense of gratitude because of the great deliverance from Egypt. Thus at almost every point they reveal the spirit of the inspired prophet in the heart of the lawgiver. Like the teachings of Jesus they emphasize not merely the external act but the motive in the soul of man. Above the brutal despotism and inhuman cruelty and selfish materialism of their age, they rise as beacon lights, guiding the human race on to the great social and philanthropic movements of to-day.

§ 93 This and the kindred laws of Dt. represent the earliest recognition and formulation of man's duty to the animal world over which he is called to rule. They voice that profound love for all of God's creatures which filled the heart of the Christ and which is the essence of true religion.

Holiness Code

Lev. 25 [5]That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine thou shalt not gather; it shall be a year of complete rest for the land. [6]The sabbath produce of the land shall be food for you; for thee, for thy male and female slave, for thy hired servant, and for the settler who resides with thee, [7]and for thy cattle and the beasts that are in thy land shall all the produce be for food.

§ 95. Beasts of Burden, Ex. 23[12a,b]

Primitive Codes

Sabbath rest

Ex. 23 [12a, b]Six days shalt thou do thy work, and on the seventh day thou shalt rest, that thine ox and thine ass may have rest.

§ 96. The Mother and her Young, Ex. 34[26b], Dt. 22[6, 7], Lev. 22[28]

Primitive Codes

Consideration for the maternal relation

Ex. 34 [26b]Thou shalt not seethe a kid in its mother's milk.

Deuteronomic Codes

Dt. 22 [6]If a bird's nest chance to be before thee in the way, in any tree or on the ground, with young ones or eggs, and with the mother sitting upon the young or upon the eggs, thou shalt not take the mother with the young; [7]thou shalt surely let the mother go, but the young thou mayest take for thyself, that it may be well with thee, and that thou mayest live long.

Holiness Code

Lev. 22 [28][When an animal is offered to Jehovah], whether it be a cow or ewe, ye shall not kill both it and its young on the same day.

II

CONSIDERATION FOR THE UNFORTUNATE

§ 97. In Taking Pledges, Dt. 24[10, 11]

Deuteronomic Codes

To regard a poor man's feelings

Dt. 24 [10]When thou lendest thy neighbor any kind of loan, thou shalt not go into his house to take a pledge from him. [11]Thou shalt stand without, and the man to whom thou dost lend shall bring out the pledge to thee.

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§ 96 The exact principle underlying these three kindred laws is not clear. Possibly it is an ancient superstition, but apparently it is a sentimental reason. The same reward is urged for observing the injunction in Dt. 22[6, 7], as the command to children to honor parents, 5[16]. In all of these cases the sanctity of the parental relation is evidently prominent in the minds of the lawgivers.

Consideration for the Unfortunate.—Hammurabi in the epilogue to his code, cf. Introd., p. 5, and in the evident purpose manifest in his laws to protect the widows and orphans, anticipates some of these regulations, but he nowhere reveals that delicate and chivalrous consideration for the feelings of the needy, which divines and guards against all acts which would inflict unnecessary pain on those whom the strong should protect.

§ 98. Return of Garments Taken in Pledge, Dt. 24[12, 13]

Deuteronomic Codes

Dt. 24 [12]In the case of a poor man, thou shalt not sleep with his pledge; [13]thou shalt surely restore to him the pledge at sunset, that he may sleep in his garment and bless thee; thus thou wilt be counted righteous before Jehovah thy God. To avoid thoughtless cruelty

§ 99. Not to Take a Millstone in Pledge, Dt. 24[6]

Deuteronomic Codes

Dt. 24 [6]No man shall take the mill or the upper millstone as a pledge, for thereby he taketh a man's life as a pledge. Not to take a necessity

§ 100. Moderation in Inflicting the Bastinado, Dt. 25[2, 3]

Deuteronomic Codes

Dt. 25 [2]If a culprit deserves to be beaten, the judge shall make him lie down to be beaten in his presence with the number of blows corresponding to his crime. [3]Forty blows he may inflict upon him, but no more, lest, if he add more blows than these, thy fellow countryman be held in contempt in thine eyes. To guard against unjust cruelty

§ 101. Exemption of Relatives of Criminals from Punishment, Dt. 24[16]

Deuteronomic Codes

Dt. 24 [16]Fathers shall not be put to death with their children, and children shall not be put to death with their fathers; each man shall be put to death simply for his own crime. To spare the innocent

§ 102. Precautions against Accident, Dt. 22[8]

Deuteronomic Codes

Dt. 22 [8]When thou buildest a new house, thou shalt make a parapet for thy roof, that thou bring not blood upon thy house, in case any man should fall from it. To guard public safety

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§ 99 The millstone was needed each day in grinding the grain for the use of the family, especially where poverty made an abundant supply of food impossible.

§ 101 In the ancient East the family often shared a father's fate, even when they were entirely innocent, cf. Dan. 6[24], Esth. 9[13, 14], Herod. iii, 119. At least in the case of extreme offences, the same custom was in vogue in early Heb. history, cf. Josh. 7[24, 25], II Sam. 21[1-9]. It was the outgrowth of the primitive Semitic conception of the family as a closely knit social unit. The juster principle of individual responsibility was recognized, however, by Amaziah in dealing with the conspirators who slew his father. II Kgs. 14[6], and that precedent may well be the basis of the present law.

III

TREATMENT OF DEPENDENT CLASSES

§ 103. Hired Servants, Dt. 24[14, 15], Lev. 19[13b]

Deuteronomic Codes

To deal kindly and justly with hired servants

Dt. 24 [14]Thou shalt not oppress a hired servant who is poor and needy, whether he be of thy own race, or of the resident aliens who are in thy land within thy city. [15]On the same day thou shalt pay him his wages before the sun goeth down, for he is poor, and setteth his heart upon it; and let him not cry against thee to Jehovah, and thou be guilty of a crime.

Holiness Code

Lev. 19 [13b]The wages of a hired servant shall not remain with thee all night until the morning.

§ 104. Slaves, Ex. 23[12a, c], 21[2], Dt. 15[12-15], Lev. 25[39, 40a, 43]

Primitive Codes

To give rest and ultimate freedom to slaves

Ex. 23 [12a, c]Six days shalt thou do thy work, and on the seventh day thou shalt rest, that the son of thy handmaid and the resident alien may be refreshed.

21 [2]If a man buy a Hebrew slave, he shall serve six years, but in the seventh year he shall go free without having to pay any ransom.

Deuteronomic Codes

To give liberally to a freed slave

Dt. 15 [12]If one of thy own race, a Hebrew man or a Hebrew woman, be sold to thee, he shall serve thee six years; then in the seventh year thou shalt let him go free. [13]And when thou lettest him go free, thou shalt not let him go empty-handed; [14]rather thou shalt furnish him liberally from thy flock, and thy threshing-floor, and thy winepress; according as Jehovah thy God hath blessed thee thou shalt give to him. [15]And thou shalt remember that thou wast a slave in the land of Egypt, and that Jehovah thy God redeemed thee; therefore I now command thee to do this thing.

Holiness Code

To be considerate of Hebrews

Lev. 25 [39]If thy fellow countryman become poor and sell himself to thee, thou shalt not make him serve as a slave. [40a]As a hired servant and as a settler shall he be to thee. [43]Thou shalt not rule over him with harshness, but thou shalt fear thy God.

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§ 103 Cf. note § 12. The supreme justice and present day applicability of the principle underlying this law are obvious.

§ 104 Cf. note § 16 and the additional laws under the same sections; cf. also note § 13.

§ 105. Captives, Dt. 21[10-14]

Deuteronomic Codes

Dt. 21 [10]When thou goest forth to battle against thine enemies, and Jehovah thy God delivereth them into thy hands, and thou carriest them away captive, [11]and seest among the captives a beautiful woman, and thou hast a desire for her, and wouldst make her thy wife, [12]then thou shalt bring her home to thy house, and she shall shave her head, and pare her nails, [13]and she shall put off the garb of her captivity and shall remain in thy house, and bewail her father and her mother a full month. After that thou shalt go in unto her, and be her husband, and she shall be thy wife. [14]But if thou have no delight in her, then thou shalt let her go where she will; but thou shalt not in any case sell her for money, thou shalt not deal with her as a slave, because thou hast humbled her.

To regard the feelings and rights of a captive wife

§ 106. The Defenceless, Ex. 22[21-24], Dt. 24[17, 18], 27[18, 19], Lev. 19[14]

Primitive Codes

Ex. 22 [21]Thou shalt not wrong nor oppress a resident alien, for ye were aliens residing in the land of Egypt. [22]Ye shall not afflict any widow or fatherless child. [23]If thou afflict them at all, and they cry to me, I will surely hear their cry, [24]and my wrath shall be aroused, and I will slay you with the sword, so that your wives shall be widows and your children fatherless.

Not to wrong aliens, widows or orphans

Deuteronomic Codes

Dt. 24 [17]Thou shalt not pervert the justice due the resident alien, or the fatherless, nor take a widow's garment as a pledge; [18]but thou shalt remember that thou wast a slave in Egypt, and that Jehovah thy God redeemed thee from there; therefore I command thee to do this thing.

27 [18]Cursed be the one who maketh the blind wander out of the way. And all the people shall say, So may it be. [19]Cursed be the one who perverteth the justice due the resident alien, fatherless, and widow. And all the people shall say, So may it be.

Or the blind

Holiness Code

Lev. 19 [14]Thou shalt not curse the deaf, nor put a stumblingblock before the blind; but thou shalt fear thy God: I am Jehovah.

Or deaf

§ 107. The Poor, Ex. 23[6], Dt. 15[7-11], Lev. 25[35]

Primitive Codes

Ex. 23 [6]Thou shalt not prevent justice being done to thy poor in his cause.

Not to wrong him

§ 105 Cf. also note § 4.

§ 106 Among most ancient peoples, resident aliens had no legal rights and were therefore the objects of every form of injustice. This evil the Heb. lawgivers strenuously sought to correct. Widows and orphans were unable to defend themselves from those who might wrong them, and had no strong protectors. Accordingly they also were especially guarded by benign provisions.

§ 107 The Israelitish race have always shown most remarkable and commendable loyalty to its poorer members. This significant fact in history is doubtless due largely to the influence of these laws.

Deuteronomic Codes

Not to refuse a loan to the poor

Dt. 15 ⁷If there be with thee a poor man, one of thy fellow countrymen, in any of thy cities in thy land which Jehovah thy God giveth thee, thou shalt not be hardhearted, nor shut thy hand from thy poor brother; ⁸but thou shalt surely open thy hand to him, and shalt lend him sufficient for his need as he wanteth. ⁹Beware lest this base thought come in thy heart, The seventh year, the year of release, is at hand, and thou turn a deaf ear to thy poor brother,[a] and thou give him nothing; and he cry to Jehovah against thee, and thou be guilty of a crime.[b] ¹⁰Thou shalt surely give to him, and thy heart shall not be sad when thou givest to him, because for this Jehovah thy God will bless thee in all thy work, and in all that thou undertakest to do. ¹¹For the poor will never cease to be in the land; therefore I command thee, Thou shalt surely open thy hand to thy brother, to thy needy, and to thy poor in thy land.

Holiness Code

To support the poor

Lev. 25 ³⁵If thy fellow countryman become poor and fall into poverty with thee, thou shalt support him, and he shall live with thee.

IV

PHILANTHROPIC PROVISIONS FOR THE NEEDY

§ 108. Leaving the Gleanings, Dt. 24¹⁹·²², Lev. 19⁹, ¹⁰ [23²²]

Deuteronomic Codes

To leave a part of all natural products for the needy

Dt. 24 ¹⁹When thou reapest thy harvest in thy field, and hast forgot a sheaf in thy field, thou shalt not go again to bring it; it shall be for the resident alien, for the fatherless, and for the widow, that Jehovah thy God may bless thee in all the work of thy hands. ²⁰When thou beatest thy olive-tree, thou shalt not go over the boughs again; it shall be for the resident alien, for the fatherless, and for the widow. ²¹When thou gatherest the grapes of thy vineyard, thou shalt not glean it after thee; it shall be for the resident alien, for the fatherless, and the widow. ²²Thou shalt remember that thou wast a slave in the land of Egypt; therefore I command thee to do this thing.

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[a] Dt. 15⁹ Lit. *thy eye be evil against.*

[b] Dt. 15⁹ Lit. *it be sin to thee*, cf. also 23²¹, 24¹⁵.

Philanthropic Provisions for the Needy.—It is from the social rather than the strictly legal point of view that these regulations are formulated. Some of them anticipate the principles assumed by modern socialism. They do not aim primarily to protect the rights of property or vested interests, but to define and facilitate the discharge of the obligations of society to its individual and needy members. They start with the assumption that those who have control of natural resources have certain duties to perform toward those less favored. They also seek by definite institutions to insure the more equable distribution of the products of the land.

Holiness Code

Lev. 19 [9]When ye reap the harvest of your land, thou shalt not entirely reap the corners of thy field, neither shalt thou gather the gleanings of thy harvest. [10]And thou shalt not glean thy vineyard, neither shalt thou gather the scattered fruit of thy vineyard; thou shalt leave them for the poor and for the resident alien: I am Jehovah your God.[c]

§ 109. Sharing Offerings, Dt. 16[11, 12 [13, 14]], 26[11]

Deuteronomic Codes

Dt. 16 [11]When thou keepest the feast of weeks, thou shalt be joyful before Jehovah thy God, together with thy son and daughter and male and female slave and the Levite, who is within thy city, and the resident alien, and the fatherless, and the widow, who are among thee, at the place in which Jehovah thy God shall choose to have his name dwell. [12]And thou shalt remember that thou wast once a slave in Egypt, and observe these statutes. To share the sacrificial meals with the needy

26 [11]Thou shalt rejoice in all the good which Jehovah thy God hath given to thee and thy house, together with the Levite and the alien in the midst of thee.

§ 110. Distribution of the Tithe, Dt. 14[28, 29], 26[12, 13]

Deuteronomic Codes

Dt. 14 [28]At the end of every three years thou shalt bring out all the tithe of thine increase[d] in that year and shalt deposit it within thy city. [29]That the Levite, because he hath no portion nor inheritance with thee, and the resident alien, and the fatherless, and the widow, who are in thy city, may come and eat and be satisfied, in order that Jehovah thy God may bless thee in all the work to which thou puttest thy hand.[e] To give triennial tithe to the needy and dependent

26 [12]When thou hast made an end of tithing all the tithe of thy produce in the third year, which is the year of tithing, thou shalt give it to the Levite, to the resident alien, to the fatherless, and to the widow, that they may eat within thy city, and be filled. [13]And thou shalt say before Jehovah thy God, I have put away[f] the consecrated things out of my house, and have also given them to the Levite, and to the resident alien, to the fatherless and to the widow, just as thou hast commanded me; I have not transgressed any of thy commands, neither have I forgotten them.

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[c] Lev. 19[10] Lev. 23[22] is an exact repetition of 19[9, 10b]. It has no connection with its context and its presence is probably due to a later editor or to a scribal error.

§ 109 The rejoicing at the chosen sanctuary in Jerusalem on the occasion of the harvest festivals included the slaughter of sacrificial animals and a general merrymaking, cf. note § 140. The aim of the law is to provide that all the dependent members of the community may have a part in these festivities, even as the people had had before the days of Josiah's reformation, at the ceremonies in connection with the local shrines. Dt. 16[13, 14] repeats the same injunctions in connection with the feast of tabernacles, cf. § 214.

[d] Dt. 14[28] *I. e.*, from thy private granaries.

[e] Dt. 14[29] Lit., *work of thy hand which thou doest.*

[f] Dt. 26[13] Lit., *I have exterminated.*

§ 110 Two out of every three years the tithe of all that the ground produced was carried to Jerusalem and eaten by the offerer and his dependents, cf. § 151; but on the third year it was stored up in the different towns to be given to the dependent members of the community as their individual needs required.

§ 111. Remission of Interest to the Poor, Ex. 22[25], Dt. 23[19, 20], Lev. 25[35-38]

Primitive Codes

To take no interest from the poor

Ex. 22 [25]If thou lend money to any of my people with thee who is poor, thou shalt not be to him as a creditor, neither shall ye demand interest of him.

Deuteronomic Codes

To take no interest from a Hebrew

Dt. 23 [19]Thou shalt not lend on interest to thy fellow countryman: interest on money, food or on anything that is lent on interest. [20]To a foreigner thou mayest lend on interest; but to thy fellow countryman thou shalt not lend on interest, that Jehovah thy God may bless thee in all that thou undertakest to do, in the land to which thou art going to possess it.

Holiness Code

From a poor Hebrew

Lev. 25 [35]If thy fellow countryman become poor, and fall into poverty with thee, thou shalt support him, and he shall live with thee. [36]Take of him no interest or usury, but fear thy God, that thy fellow countryman may live with thee. [37]Thou shalt not give him thy money on interest, nor give him thy food for usury. [38]I am Jehovah your God, who brought you forth out of the land of Egypt, to give you the land of Canaan, and to be your God.

§ 112. Rest and Remission of All Interest on the Seventh Year, Ex. 23[10, 11], Dt. 15[1-10], Lev. 25[1-7, 20-22]

Primitive Codes

To share natural products with the poor

Ex. 23 [10]Six years thou shalt sow thy land, and shalt gather in its increase. [11]The seventh year thou shalt let the land rest and lie fallow, that

§ 111 The spirit, if not the literal form of these laws are still universally applicable. Their background is an exceedingly simple organization. Until the Babylonian exile forced the Israelites into the great currents of the world's trade, they remained simple farmers and shepherds, who despised the Canaanitish traders in their midst. Loans, therefore, were not made for commercial purposes but under the pressure of dire necessity. To exact interest from a poor man was to force him or his family into slavery. This inevitable result Nehemiah bitterly condemns, although he and his friends had been accustomed to make loans on interest, Neh. 5.

Also in the ancient East the rate of interest was usually exorbitant. In Babylonia it was at one time limited to 20 per cent. In Assyria 25 per cent per annum was not uncommon; in Egypt the legal rate was limited to 30 per cent. or 33⅓ in case the loan was in grain. Like Nehemiah, the exiles and the later Jews, who engaged in commerce, did not hesitate to demand interest. Evidently the aim of these laws, as is definitely stated in the earliest and latest versions, was simply to protect the poor Israelites from unjust exactions, for to withhold a loan entirely would be more harmful than to demand a moderate rate of interest.

§ 112 Cf. also note § 16, and for the laws regarding the liberation of slaves on the seventh year, § 104. It is significant that this law is found in the primitive as well as the Holiness Code. It implies the agricultural stage and, therefore, cannot be dated earlier than the settlement in Canaan. It represents the application of the sabbath principle of one period of rest in every seven to the cycle of the years. It is also made applicable to the land as well as to men and animals. The author of the Holiness Code, in Lev. 26[34, 35], regards the exile as the enforced period of rest for the land. This statement confirms the inference from Jer. 34 that the law of the sabbatical year, both in its command to let the land lie fallow and to liberate all Heb. slaves at the end of six years, was, at least before the exile, largely disregarded. Second Chr. 36[21] bears similar testimony. Until the days of Nehemiah the Judean community continued to treat it as an ideal too high to be realized, until, in the covenant solemnly established in behalf of the people, they promised that *on the seventh year they would leave the land uncultivated and refrain from the exaction of any debt.* Josephus avers that it was kept in the days of Alexander the Great, *Antiq.* XI, 8[6]. I Mac. 6[49, 53] suggests that in the Greek period it had become a regular institution. Even Tacitus was acquainted with the law, *Hist.* 5[4], and the Mishna *Shebe'ith* states that only in Palestine was it fully observed.

Primitive Codes

the poor of thy people may eat; and what they leave the wild beasts shall eat. In like manner thou shalt do with thy vineyard and thine oliveyard.

Deuteronomic Codes

Dt. 15 [1]At the end of every seven years thou shalt make a release.[g] To remit all interest [2]And this is the nature of the release: every creditor shall remit that which he hath lent to his neighbor; he shall not exact it of his neighbor or fellow countryman, because Jehovah's release hath been proclaimed. [3]Of a foreigner thou mayest exact it; but whatever of thine is with thy fellow countryman let thy hand release. [4]Nevertheless there shall be no poor with thee, for Jehovah will surely bless thee in the land which Jehovah thy God giveth thee to possess as an inheritance, [5]if only thou diligently hearken to the voice of Jehovah thy God, to observe to do all this commands which I command thee this day. [6]For Jehovah thy God will bless thee, as he promised thee; and thou shalt lend to many nations, but thou shalt not borrow; and thou shalt rule over many nations, but they shall not rule over thee.

[7]If there be with thee a poor man, one of thy fellow countrymen, in any of thy cities in thy land which Jehovah thy God giveth thee, thou shalt not be hardhearted, nor shut thy hand from thy poor brother; [8]but thou shalt surely open thy hand to him, and shalt surely lend him sufficient for his need as he wanteth. [9]Beware lest this base thought come in thy heart, The seventh year, the year of release, is at hand, and thou turn a deaf ear to thy poor brother, and thou give him nothing, and he cry to Jehovah against thee, and thou be guilty of a crime. [10]Thou shalt surely give to him, and thy heart shall not be sad when thou givest to him; because for this Jehovah thy God will bless thee in all thy work, and in all that thou undertakest to do.

To loan readily to the poor even in the year just before the year of release

Holiness Code

Lev. 25 [1]Jehovah said to Moses on Mount Sinai, [2]Speak to the Israelites and say to them, 'When ye have come to the land which I give you, the land shall rest for a sabbath to Jehovah. [3]Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in its produce; [4]but the seventh year shall be a sabbath of complete rest for the land, a sabbath to Jehovah; thou shalt neither sow thy field nor prune thy vineyard. [5]That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine thou shalt not gather; it shall be a year of complete rest for the land. [6]And the sabbath produce of the land shall be food for thee; for thee, for thy male and female slave, for thy hired servant, and for the settler who resideth with thee, [7]and for thy cattle and the beasts that are in thy land shall all the produce be for food. [20]And if ye say, What shall we eat in the seventh year? behold, we may not sow or gather in our produce; [21]then I will command my blessing upon you in the sixth year, and it shall bring forth produce for three years. [22]And ye shall sow the eighth year, but eat of the old stores; until the produce of the ninth year comes in, ye shall eat of the old stores.'

To share on the seventh year of rest the natural products with the needy

[g] Dt. 15[1] The word comes from a Heb. verb meaning, *to fling down, let drop.*

§ 113. Restoration of Property and Freedom in the Year of Jubilee, LEV. 25[8-16, 23, 40b-42]

Priestly Codes

To proclaim rest and release in the fiftieth year

LEV. 25 [8]Thou shalt count seven sabbaths of years, for seven times seven years; and there shall be the equivalent of seven sabbaths of years,[h] that is, forty-nine years. [9]Then thou shalt sound a loud horn on the tenth day of the seventh month; on the day of atonement shall ye sound a horn through[i] all your land. [10]And ye shall set apart as sacred the fiftieth year, and proclaim liberty throughout the land to all its inhabitants; it shall be a year of jubilee for you, and ye shall return each to his possession, and ye shall return each to his family. [11]A jubilee shall that fiftieth year be for you; ye shall not sow or reap that which groweth of itself in it, nor gather in the fruit of the undressed vines, [12]for it is a jubilee; it shall be holy to you; ye shall eat its produce directly from the field.

To restore all hereditary property

[13]At this year of jubilee ye shall return each to his possession. [14]And if thou sell any land to thy neighbor, or buy it of thy neighbor, ye shall not wrong each other. [15]According to the number of the years after the jubilee thou shalt buy land from thy neighbor, and according to the number of the crops *until the next jubilee* shall he sell it to thee. [16]If the number of years be great, thou shalt increase its price, but if the number of years be small, thou shalt reduce its price, for it is the number of the crops that he selleth to thee. [23]The land shall not be sold in perpetuity; for the land is mine, and ye are resident aliens and settlers with me.

To release all Hebrew slaves

[40b]If thy fellow countryman sell himself to thee as a slave, he shall serve with thee to the year of jubilee; [41]then he shall be released by thee, together with his children, and he shall return to his own family, and to the possession of his fathers shall he return. [42]For they are my servants, whom I brought from the land of Egypt; they shall not be sold as slaves.

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[h] Lev. 25[8] Lit., *days.*

[i] Lev. 25[9] Lit., *cause to pass through.*

§ 113 The twenty-fifth chapter of Lev. presents many different problems. To the law in regard to the sabbatical year, [1-7, 17-22], and the injunctions not to take interest from a poor Israelite or to treat him harshly, if he has fallen into a condition of slavery, [35-40a, 43, 47, 53, 55b], the laws regarding the year of jubilee have been so added that they frequently interrupt the context. The first group of laws, [1-7, 19-22], appears to belong to the Holiness Code. It is doubtful whether or not this code originally contained any reference to the year of jubilee. The pre-exilic writers are without exception silent even where, as for example, in Is. 5 and Mi. 2, we would expect a reference to it, were they acquainted with it. Moreover two of the chief regulations regarding the year of jubilee: the rest of the land and the freeing of Heb. slaves, are antithetic to the earlier law which prescribed the seventh instead of the fiftieth year. The passage, therefore, relating to the year of jubilee would seem to be a later priestly addition, which aimed by generous concessions, so to soften the strenuous demands of the older law that the principle might gain popular acceptance. There is no evidence, however, that the attempt succeeded; in fact the Rabbis admit that this law was never observed.

The regulations regarding the right of redeeming hereditary estates is clearly based on an ancient and long established custom, cf. note § 28; but in the present form it is adapted to the law of the year of jubilee and is bound up with the decree that all hereditary lands must at that time revert to their original owners. This custom is not without precedent in the ancient world. Many Aryan peoples thus periodically redistributed their land among the heads of the families. Strabo states that the Dalmatians reassigned their lands every eight years. In certain village communities in Russia the custom has continued to the present. For additional illustrations cf. Maine, *Village Communities*, p. 81 f., Driver and White, *Leviticus*, p. 100. The earliest allusion, however, in the O.T. to any such institution, is found in Ezek. 46[17], where land given by the prince is to revert to him *in the year of release.* Whether the prophet refers to an already established institution or possibly here gives a suggestion which

V

KINDLY ATTITUDE TOWARD OTHERS

§ 114. Reverence for the Aged, Lev. 19^{32a}

Holiness Code

Lev. 19 ^{32a}Thou shalt rise up before the hoary head, and honor the person of an old man. To honor the aged

§ 115. Love for Neighbors, Ex. 23$^{4, 5}$, Lev. 19$^{17, 18}$

Primitive Codes

Ex. 23 ^{4}If thou meet thine enemy's ox or ass going astray, thou shalt surely bring it back to him again. ^{5}If thou see the ass of him who hateth thee lying prostrate under its burden, thou shalt in no case leave it in its plight, rather thou shalt, together with him, help it out.[j] To do to an enemy as ye would have him do to you

Holiness Code

Lev. 19 ^{17}Thou shalt not hate thy fellow countryman in thy heart; thou shalt warn thy neighbor and not incur sin on his account.[k] ^{18}Thou shalt not take vengeance, nor bear a grudge against the members of thy race; but thou shalt love thy neighbor as thyself: I am Jehovah. To love thy neighbor as thyself

§ 116. Love for Resident Aliens, Dt. 10$^{18b, 19}$

Deuteronomic Codes

Dt. 10 ^{18b}Jehovah so loveth the resident alien that he giveth to him food and raiment. ^{19}Love then the resident alien; for ye were once resident aliens in the land of Egypt. To love the alien

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was later developed into the law of the year of jubilee cannot be definitely determined. On the whole, the exile, with its changed conditions, inspiring new regulations and experiments, as Ezek.'s elaborate program testifies, appears to furnish the background and date of the law of the year of jubilee.

Kindly Attitude toward Others. — In these laws, which relate to inner motives and feelings, the Heb. lawgivers almost attain to the N.T. ideal. In the brief command in Lev. 19^{18b} Jesus found the epitome of all O.T. legislation regarding man's duty to his fellowmen. He, however, raised it above its narrower Israelitish setting and made it of universal application. A suggestion of that broader application is found in the noble command in Dt. 10^{19} to love the foreigners residing in the land of Israel.

[j] Ex. 23^{5} Slightly correcting the Heb. text.

[k] Lev. 19^{17} *I. e.*, by failing to warn him and by cherishing hatred toward him.

LAWS DEFINING OBLIGATIONS TO JEHOVAH

LAWS DEFINING OBLIGATIONS TO JEHOVAH

I

NATIONAL OBLIGATIONS

§ 117. **To Abstain from Apostasy and Idolatry,** Ex. $34^{14, 17}$ [$20^{1-5, 23b}$], Dt. $5^{7, 8}$ [$^{9, 10}$, $6^{14, 15}$, 27^{15}], Lev. 26^{1}

Primitive Codes

Ex. 34 [14]Thou shalt worship no other god, for Jehovah, whose name is Jealous, is a jealous God. Loyal worship
[17]Thou shalt make thee no molten gods.

Deuteronomic Codes

Dt. 5 [7]Thou shalt have no other gods besides me.
[8]Thou shalt not make for thyself a graven image.

Holiness Code

Lev. 26 [1]Ye shall make no idols, nor shall ye erect for yourselves a graven image or a pillar, nor shall ye set up any figured stone in your land to bow down to it; for I am Jehovah your God. No idols of any kind

§ 118. **To Abstain from Heathen Rites,** Ex. 22^{19}, Dt. 12^{29-31}, $14^{1, 2}$ [18^{9}], Lev. 18^{3}, $19^{27, 28}$ [20^{23}]

Primitive Codes

Ex. 22 [19]Whoever sacrificeth to any god, except to Jehovah shall be placed under the ban. None of the prevailing heathen customs

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Laws Defining Obligations to Jehovah.—In this group of laws the prophetic principles, that underlie and characterize the O.T. legislation, come most prominently to the front. Many of them belong more properly with the prophetic addresses than with Israel's laws, cf. Vol. III, where the great prophetic addresses attributed to Moses are introduced in their chronological setting. These commands like the humane laws, illustrate the true genius of Israel's legal system. Above all duties they placed the obligations of the nation and individual to the Divine King. In each code, but especially in the Deuteronomic codes, which reflect most fully the influence of the prophets, these primary commands are constantly reiterated.

Failure to keep them is in a few cases, as for example, apostasy, which was regarded as treason, punished by definite and extreme penalties; but ordinarily the appeal is simply to the conscience of the nation and the individual. These laws are most of them in fact exhortations rather than ordinances to be enforced by human courts of justice. Jehovah is himself alone the plaintiff, judge and executioner.

§ 117 Only the typical regulations are here introduced. Cf. for the additional laws, §§ 57–59.

§ 118 Cf. notes §§ 60, 61, and the same sections for the laws which are not repeated here.

Deuteronomic Codes

Dt. 12 [29]When Jehovah thy God shall cut off the nations from before thee, which thou art going in to dispossess, and thou hast dispossessed them, and dwellest in their land; [30]take heed to thyself that thou be not ensnared after them, when they have been destroyed from before thee; and that thou inquire not after their gods, saying, How do these nations serve their gods? even so will I do likewise. [31]Thou shalt not do thus to Jehovah thy God; for every abomination which Jehovah hateth, have they done to their gods; for even their sons and their daughters do they burn in the fire to their gods.

14 [1]Ye are the children of Jehovah your God; ye shall not cut yourselves,[a] nor make any baldness between your eyes for the dead. [2]For thou art a people holy to Jehovah thy God, and Jehovah hath chosen thee to be a people for his own possession, out of all peoples that are upon the face of the earth.

Holiness Code

Lev. 18 [3]Ye shall not imitate the customs of the land of Egypt, in which ye dwelt, nor the customs of the land of Canaan, whither I am bringing you; neither shall ye follow their established usages.

19 [27]Ye shall not round off the corners of your hair, nor shalt thou disfigure the corners of thy beard. [28]Ye shall not make any incisions in your skin for the dead; nor shall ye tattoo any marks upon you:[b] I am Jehovah.

§ 119. **To Abolish Heathen Shrines,** Ex. $34^{12, 13}$, $23^{24, 25a}$, Dt. $12^{2, 3}$, $7^{5, 25}$

Deuteronomic Codes

All paraphernalia of heathen worship to be destroyed

Ex. 34 [12]Take heed to thyself, lest thou make a covenant with the inhabitants of the land to which thou art going, lest it be for a source of corruption[c] in thy midst: [13]but ye shall break down their altars, and dash in pieces their pillars, and cut down their asherahs.

23 [24]Thou shalt not bow down to their gods, nor serve them, nor imitate their customs; but thou shalt tear them down completely, and break in pieces their pillars, [25a]and serve Jehovah thy God.

Dt. 12 [2]Ye shall destroy all the places in which the nations, which ye shall dispossess, served their gods, upon the high mountains and upon the hills and under every green tree; [3]and ye shall break down their altars, and dash in pieces their pillars, and burn their asherahs with fire; and ye shall hew down the graven images of their gods; and ye shall destroy their names out of that place.

7 [5]But thus shall ye do to them: ye shall break down their altars, and dash in pieces their pillars, and hew down their asherahs, and burn their

[a] Dt. 14^{1} This custom was in vogue among the Hebs. even in the exile, cf. Jer. 16^{6}, 41^{5}.
[b] Lev. 19^{28} All these marks doubtless indicated consecration to a special deity.
[c] Ex. 34^{12} Lit., *be for a snare.*
§ 119 The commands in Ex. $34^{12, 13}$ and $23^{24, 25a}$ interrupt their context and reveal the characteristic words and phrases of the Deuteronomic editor, who probably gave them their present position.

Deuteronomic Codes

graven images with fire. [25]The graven images of their gods shall ye burn with fire; thou shalt not covet the silver or the gold that is on them, nor take it for thyself, lest thou be corrupted thereby, for it is an abomination to Jehovah thy God.

§ 120. To Preserve the Law, Dt. 4[2]

Deuteronomic Codes

Dt. 4 [2]Ye shall not add to the words which I command you, neither shall ye take anything from it, that ye may keep the commands of Jehovah your God which I command you.

§ 121. To Study and Remember the Law, Dt. 6[6, 7], 11[18a [19]]

Deuteronomic Codes

Constant inculcation of the principles of the law

Dt. 6 [6]These words which I command thee this day, shall be upon thy heart; [7]and thou shalt impress them upon thy children, and shalt talk of them when thou sittest in thy house, and when thou walkest by the way, and when thou liest down, and when thou risest up.

11 [18]Therefore ye shall lay up these my words in your heart and in your soul.

§ 122. To Wear Constant Reminders of the Law, Dt. 6[8, 9], 22[12] [11[18b-20]], Nu. 15[37-41]

Deuteronomic Codes

Ever-present reminders of the law

Dt. 6 [8]Thou shalt bind the [words of Jehovah] as a reminder on thy hand, and have them as bands on thy forehead between thine eyes, [9]and thou shalt write them on the posts of thy house and on thy doors.

22 [12]Thou shalt make for thyself tassels[d] on the four corners of the covering[e] with which thou coverest thyself.[f]

Holiness Code

Nu. 15 [37]Jehovah gave this command to Moses: [38]Speak to the Israelites, and bid them make for themselves tassels on the borders of their garments[g] throughout their generations, and that they put upon the tassel of each cor-

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§ 121 Cf. also § 56. Dt. 11[19] is a duplicate of 6[7].
§ 122 Cf. also § 56. Dt. 11[18b] is a duplicate of 6[8] and 11[20] of 6[9].
[d] Dt. 22[12] Lit., *twisted cords*, as in I Kgs. 7[17]. In later times these were made of eight threads of white wool and were tied at regular intervals in four double knots.
[e] Dt. 22[12] *I. e.*, the outer shawl or mantle, the modern *abaye*, to the four corners of which the tassels were fastened.
[f] Dt. 22[12] The meaning of these symbols is explained in the following passage from Nu. 13[39].
[g] Nu. 15[38b] The brief section here introduced appears from its language and spirit to have been taken from the Holiness Code. It is also closely parallel to Ezek. 6[9]. It probably reflects an old custom, which appears to be assumed as well as known in Dt. 22[12]. The Asiatics pictured on the early Egyptian monuments wear tassels, so that the custom may have been introduced by the ancestors of the Hebs.

Holiness Code

ner a cord of blue;[h] [39]and it shall serve you as a tassel, that ye may look upon it, and remember all the commands of Jehovah, and do them, and that ye do not follow your own inclinations and desires[i] in accordance with which ye used to play the harlot;[j] [40]that ye may remember and do all my commands, and be consecrated[k] to your God. [41]I am Jehovah your God, who brought you out of the land of Egypt, to be your God: I am Jehovah your God.

§ 123. **To Follow Its Commands,** Dt. $5^{1, 32, 33}$, $6^{1-3, 16, 17}$, $7^{11, 12}$, $8^{1, 5-14}$, $10^{12, 13}$, $11^{1, 8, 9, 26-32}$, $26^{16, 17}$, $27^{10, 26}$, $4^{5, 6}$, $30^{15, 16}$, Lev. $18^{4, 5, 26}$, $19^{19a, 27}$, $20^{8, 22}$, $25^{18, 19}$

Deuteronomic Codes

The duty of heeding Jehovah's commands

Dt. 5 [1]Moses summoned all Israel, and said to them, Hear, O Israel, the statutes and the ordinances which I speak in your ears this day, that ye may learn them, and take heed to do them. [32]Ye shall take heed to do[l] as Jehovah your God hath commanded you; ye shall not turn aside to the right or to the left. [33]Ye shall do all that Jehovah your God hath commanded you, that ye may live, and that it may be well with you, and that ye may live long in the land which ye shall possess.

6 [1]Now this is the command, the statutes, and the ordinances, which Jehovah your God commanded to teach you, that ye might do them in the land which ye go over to possess; [2]that thou mightest fear Jehovah thy God, to keep all his statutes and his commands, which I command thee, together with thy son, and thy son's son, all the days of thy life; and that thou mayst live long. [3]Hear therefore, O Israel, and take heed to do it, that it may be well with thee, and that ye may become exceedingly many, as Jehovah the God of thy fathers hath promised thee, in a land abounding in milk and honey.

Of keeping faithfully each of them

[16]Ye shall not test Jehovah your God as ye tested him at Massah.[m] [17]Ye shall diligently keep the commands of Jehovah your God, and his testimonies and his statutes, which he hath commanded thee.

7 [11]Thou shalt therefore keep the commands, and the statutes, and the ordinances, which I command thee this day, to do them. [12]And if ye hearken to these ordinances, and keep and execute them, Jehovah thy God will keep with thee the covenant and the mercy which he promised by oath to thy fathers.

8 [1]All the command which I command thee this day shall ye take heed to do, that ye may live and become numerous, and go in and possess the land which Jehovah promised by oath to your fathers.

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[h] Nu. 15[38] *I. e.*, the threads with which the tassels were fastened to the mantle.
[i] Nu. 15[39] Lit., *heart and eyes.*
[j] Nu. 15[39] The Heb. text is exceedingly awkward. The reference is evidently to some form of apostasy.
[k] Nu. 15[40] Lit., *holy.*
§ 123 The multiplicity of these injunctions illustrates the emphasis put upon the law, and especially the written law, from the days of Josiah.
[l] Dt. 5[32] Lit., *to walk in the way.* So also in [33].
[m] Dt. 6[16] Cf. Ex. $17^{2, 7}$.

Deuteronomic Codes

[5]Know, then, in thy heart, that as a man disciplineth his son, so Jehovah thy God disciplineth thee. [6]And thou shalt keep the commands of Jehovah thy God, to walk in his ways, and to fear him. [7]For Jehovah thy God is bringing thee into a good land, a land of watercourses, of fountains and springs, flowing forth in vales and hills; [8]a land of wheat and barley, and vines and fig-trees and pomegranates; a land of olive trees and honey; [9]a land wherein thou shalt eat bread without scarcity, in which thou shalt lack nothing; a land whose stones are iron, and out of whose hills thou mayst dig copper. [10]And thou shalt eat and be full, and thou shalt bless Jehovah thy God for the good land which he hath given thee. [11]Beware lest thou forget Jehovah thy God, in not keeping his commands, and his ordinances, and his statutes, which I command thee this day: [12]lest, when thou hast eaten and art satisfied, and hast built beautiful houses, and art dwelling in them; [13]and when thy herds and thy flocks become numerous, and thy silver and thy gold is plentiful, and all that thou hast is multiplied, [14]then thy heart be filled with pride,[n] and thou forget Jehovah thy God, who brought thee forth out of the land of Egypt, out of the house of bondage. Duty ever to remember them

10 [12]And now, Israel, what doth Jehovah thy God require of thee, but to fear Jehovah thy God, to walk in all his ways, and to love him, and to serve Jehovah thy God with all thy heart and with all thy soul, [13]and keep the commands of Jehovah, and his statutes, which I command thee this day for thy good? To express love by obedience

11 [1]Therefore thou shalt love Jehovah thy God, and keep his charge, and his statutes, and his ordinances, and his commands at all times.

[8]Therefore ye shall keep all the command which I command thee this day, that ye may be strong, and go in and possess the land, which ye are going over to possess; [9]and that ye may live long in the land which Jehovah promised by oath to give to your fathers, and to their descendants, a land abounding in milk and honey.

[26]See, I set before you this day a blessing and a curse: [27]a blessing, if ye will hearken to the commands of Jehovah your God, which I command you this day; [28]and the curse, if ye shall not hearken to the commands of Jehovah your God, but turn aside out of the way which I command you this day, in order to go after other gods, which ye have not known. [29]And when Jehovah thy God shall bring thee into the land which thou art going to possess, thou shalt set the blessing upon Mount Gerizim and the curse upon Mount Ebal.[o] [32]And ye shall give heed to all the statutes and the ordinances which I set before you this day.

26 [16]This day Jehovah thy God commanded thee to do these statutes and ordinances; thou shalt, therefore, keep and do them with all thy heart, and with all thy soul. [17]Thou hast caused Jehovah to say this day that he will be thy God, and that thou wilt walk in his ways and keep his statutes, and his commands, and his ordinances, and hearken to his voice. **27** [10]Thou Solemn obligation to obey

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[n] Dt. 8[14] Lit., *thy heart be lifted up.*
[o] Dt. 11[29] Vss. [30, 31] are here omitted, since they add only a local geographical coloring.

Deuteronomic Codes

shalt therefore obey the voice of Jehovah thy God, and do his commands, and his statutes, which I command thee this day.

[26]Cursed be he that confirmeth not the words of this law to do them.

Reward of obedience

4 [5]Behold, I have taught you statutes and ordinances, even as Jehovah my God commanded me, that ye should do so in the midst of the land which ye are going in to possess. [6]Keep, therefore, and do them; for this is your wisdom and your understanding[p] in the sight of the peoples that shall hear all these statutes, and say, Surely this great nation is a wise and understanding people.

30 [15]See, I have set before thee this day life and prosperity, and death and calamity; [16]in that I command thee this day to love Jehovah thy God, to walk in his ways, and to keep his commands and his statutes and his ordinances, that thou mayst live and become numerous, and that Jehovah thy God may bless thee in the land which thou art going in to possess.

Holiness Code

Reiterated injunctions to keep the divine commands

Lev. 18 [4]Mine ordinances shall ye execute, and my statutes shall ye keep, to follow them: I am Jehovah your God. [5]Ye shall therefore keep my statutes, and mine ordinances; which if a man do he shall live by them: I am Jehovah.

[26]Keep my statutes and mine ordinances and let neither the native born nor the alien residing among you do any of these abominable things.

19 [19a]Ye shall keep my statutes.

[27]Ye shall observe all my statutes, and all mine ordinances, and do them: I am Jehovah.

20 [8]Ye shall keep my statutes, and do them: I am Jehovah who sanctifieth you.

[22]Ye shall therefore keep all my statutes, and all mine ordinances, and do them, that the land, whither I bring you to dwell, may not cast you forth.

25 [18]Ye shall execute my statutes and keep my ordinances and do them; [19]then ye shall dwell in the land securely, and the land shall yield its fruit and ye shall eat your fill and dwell in it securely.

§ 124. **To Make No Heathen Alliances,** Ex. 34[12, 13 [15, 16]], 23[31b, 33], Dt. 7[1-4]

Deuteronomic Codes

No truce with heathen peoples

Ex. 34 [12]Take heed to thyself, lest thou make a covenant with the inhabitants of the land to which thou art going, lest it be a source of corrup-

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[p] Dt. 4[6] *I. e.*, evidence of your wisdom and insight.

§ 124 In the earlier days of Israel's history alliances with other nations were common and only a few of the more zealous prophets protested, even though alliances in the ancient Semitic world meant the recognition of the gods of the allied peoples. From the days of the exile the principles proclaimed by Elijah and the expostulations of Hos., Is. and Jer. were reinforced by the painful outcome of the alliance with Egypt, so that the doctrine of no alliances gained popular acceptance, at least among the Jews of the dispersion. Cf. also note § 44.

Deuteronomic Codes

tion in thy midst; [13]but ye shall break down their altars, and dash in pieces their pillars, and cut down their asherahs.[q]

23 [31b]I will deliver the inhabitants of the land into thy power; and thou shalt drive them out before thee. [32]Thou shalt make no covenant with them nor with their gods. [33]They shall not dwell in thy land, lest they make thee sin against me; for if thou serve their gods, it will surely be a source of corruption to thee.

No intermarriages with heathen peoples

Dt. 7 [1]When Jehovah thy God shall bring thee into the land which thou art going to possess, and shall clear away many nations before thee, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and mightier than thou, [2]and when Jehovah thy God shall deliver them into thy hands and thou shalt smite them, then thou shalt completely destroy them without making any terms with them or showing any mercy to them. [3]Neither shalt thou make marriages with them; thy daughter thou shalt not give to his son, nor shalt thou take his daughter as a wife for thy son. [4]For he will turn away thy son from following me, that they may serve other gods; thus will the anger of Jehovah be aroused against you, and he will destroy thee quickly.

§ 125. To Be a Holy Nation, Ex. 22[31a], 19[6a], Dt. 7[6] [14[2, 21c]], 18[13], 26[18, 19], 28[9, 10], Lev. 19[2], 20[26] [7]

Primitive Codes

Ex. 22 [31a]Ye shall be holy men to me.

Deuteronomic Codes

Israel's unique choice and mission

Ex. 19 [6a]Ye shall be to me a kingdom of priests, and a holy nation.

Dt. 7 [6]Thou art a people holy to Jehovah thy God; Jehovah thy God hath chosen thee out of all the peoples that are on the face of the earth to be to him a peculiar people:[r]

18 [13]Thou shalt be perfect[s] with Jehovah thy God.

26 [18]And Jehovah hath caused thee to say this day that thou wilt be to him a peculiar people, as he hath promised thee, and that thou shouldst keep all his commands; [19]and that he will set thee high above all nations

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[q] Ex. 34[12, 13] The language of a Deuteronomic editor is clearly apparent in this section. So also in 23[31b-33].

§ 125 The conception of Jehovah's holiness, and its corollary the holiness of his people is exceedingly prominent in the literature just before the exile, cf. Introd., pp. 37, 38. In the Holiness Code it becomes the chief basis of ethics. Its origin is not entirely clear. Undoubtedly Is. gave a great emphasis to the doctrine, cf. Is. 6. The oldest expression of it in the legal literature is probably found in Ex. 22[31a], in connection with the ceremonial command not to eat any flesh that is torn by beasts in the field, although by some this vs. is regarded as a later addition because the law is cast in the plural rather than in the second person singular, as in the oldest decalogue. The striking passage, Ex. 19[6a], probably comes from a late prophetic editor, cf. Vol. I, note § 75.

[r] Dt. 7[6] Dt. 14[2, 21] are duplicates of this vs.

[s] Dt. 18[13] *I. e.*, without physical, but especially moral blemish

Deuteronomic Codes

which he hath made, as a praise, and a name, and an honor: and that thou mayst be a people holy to Jehovah thy God as he hath promised.

28 [9]Jehovah will establish thee as a people holy to himself, as he hath sworn to thee, if thou wilt keep the commands of Jehovah thy God, and walk in his ways. [10]And all the peoples of the earth shall see that thou dost bear the name[1] of Jehovah; and they shall be afraid of thee.

Holiness Code

Lev. 19 [2]Ye shall be holy, for I Jehovah, your God, am holy.

20 [26]Ye shall be holy to me, for I, Jehovah, am holy and have separated you from the peoples that ye may be mine.

II

INDIVIDUAL OBLIGATIONS

§ 126. Reverence, Dt. 5[29], 6[24], 8[6] [4[10]. 6[2. 10-13], 10[12-20], 13[14], 14[23], 17[19], 31[12. 13]], Lev. 19[32b] [25[17b]]

Deuteronomic Codes

To walk humbly before God

Dt. 5 [29]Oh, that there were such a heart in them that they would fear me, and keep all my commands at all times, that it might be well with them, and with their children forever!

6 [24]Jehovah commanded us to do all these statutes, to fear Jehovah our God, for our good at all times, that he might preserve us alive, as to-day.

8 [6]Thou shalt keep the commands of Jehovah thy God, to walk in his ways and to fear him.

Holiness Code

Lev. 19 [32b]Thou shalt fear thy God: I am Jehovah.

§ 127. Gratitude, Dt. 6[10-12], 8[10. 19]

Deuteronomic Codes

To remember the source of all blessings

Dt. 6 [10]When Jehovah thy God shall bring thee into the land which he promised by oath to thy fathers, Abraham, Isaac, and Jacob, to give thee, great and attractive cities, which thou hast not built, [11]and houses full of

[1] Dt. 28[10] Lit., *art called by.*

Individual Obligations.—In these commands the national and individual obligations are closely blended.

§ 126 The lawgivers, like the sages, declared that an attitude of genuine reverence and piety toward God was essential to all right thinking and doing. In nearly a score of passages confined to the Deuteronomic and Holiness codes, they emphasize the fundamental importance of the attitude, not of cringing terror, but of fear inspired by a true appreciation of the divine character—a fear which keeps its possessor from all acts of wilful disobedience and guides him in the way of intelligent, loyal service.

Deuteronomic Codes

all good things, which thou hast not filled, and cisterns hewed out, which thou hast not hewed out, vineyards and olive-trees, which thou hast not planted, and thou shalt eat and be full, [12]then beware lest thou forget Jehovah, who brought thee forth out of the land of Egypt, out of the house of bondage.

8 [10]When thou shalt eat and be filled, then bless Jehovah thy God for the good land which he hath given thee. [19]But if thou dost forget Jehovah thy God, and dost follow other gods and serve and worship them, I bear witness against you this day that ye shall surely perish.

§ 128. Loyalty, Ex. 34[14], 23[13], Dt. 5[6]

Primitive Codes

Ex. 34 [14]Thou shalt worship no other God; for Jehovah, whose name is Jealous, is a jealous God. — To give Jehovah undivided allegiance

Deuteronomic Codes

Ex. 23 [13]Concerning all the things that I have said to you take heed; and make no mention of the name of other gods, neither let it be heard from thy mouth.[a]

Dt. 5 [6]I am Jehovah thy God who brought thee out of the land of Egypt, out of the house of bondage. [7]Thou shalt have no other gods besides me.

§ 129. Obedience, Dt. 6[18, 19], 10[14-16], 30[8-10]

Deuteronomic Codes

Dt. 6 [18]Thou shalt do that which is right and good in the sight of Jehovah, that all may be well with thee, and that thou mayest go in and possess the good land which Jehovah promised by oath to thy fathers, [19]to clear away all thine enemies from before thee, as Jehovah hath promised. — To give him wholehearted obedience

10 [14]Behold to Jehovah thy God belongeth the heaven and the heaven of heavens,[b] the earth with all that is therein. [15]Nevertheless Jehovah set his love on thy fathers[c] and he chose their descendants after them, even you out of all peoples, as at this time. [16]Therefore open your heart[d] to him and no longer be stiff-necked.

30 [8]Thou shalt return and obey the voice of Jehovah, and do all his commands which I command thee this day. [9]And Jehovah thy God will give thee in rich abundance[e] all the work of thy hand, the fruit of thy body, and the fruit of thy cattle, and the fruit of thy ground, for good; for Jehovah will again rejoice over thee for good, as he rejoiced over thy fathers; [10]if — To enjoy the rich fruits of obedience

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[a] Ex. 23[13] The language and thought reveal the late prophetic origin of this passage.
[b] Dt. 10[14] *I. e., the highest heavens.* Cf. later reflections of this noble passage in I Kgs. 8[27], II Chr. 2[6], Neh. 9[6], Ps. 68[34], 148[4].
[c] Dt. 10[15] Lit., *attached to thy fathers to love them.*
[d] Dt. 10[16] Lit., *circumcise the foreskin of your heart, i. e.,* remove the impediments which make it irresponsive to the divine commands, cf. Jer. 4[4], Ezek. 44[7, 9].
[e] Dt. 30[5] Lit., *will make thee have in excess.*

Deuteronomic Codes

thou shalt obey the voice of Jehovah thy God, to keep his commands and his statutes which are written in this book of the law; if thou turn to Jehovah with all thy heart, and with all thy soul.

§ 130. Love, Dt. 6[4, 5], 10[12], 11[1, 13-15], 30[16 [19, 20]]

Deuteronomic Codes

To love God with all thy powers

Dt. 6 [4]Hear, O Israel: Jehovah our God is one Jehovah.[f] [5]Therefore thou shalt love Jehovah thy God with all thy heart, and with all thy soul, and with all thy might.

10 [12]And now Israel, what doth Jehovah thy God require of thee, but to fear Jehovah thy God, to walk in all his ways, and to love him and to serve Jehovah thy God with all thy heart and with all thy soul.

11 [1]Therefore thou shalt love Jehovah thy God, and keep his charge, and his statutes, and his ordinances, and his commands, at all times.

[13]If ye hearken diligently to my commands which I command you this day, to love Jehovah your God and to serve him with all your heart and with all your soul, [14]I will give the rain of your land in its season, the earlier rain and the later rain, that thou mayest gather in thy grain, thy new wine, and thine oil. [15]And I will give grass in thy field for thy cattle, and thou shalt eat and be filled.

30 [16]I command thee this day to love Jehovah thy God, to walk in his ways, and to keep his commands and his statutes and his ordinances, that thou mayest live and become numerous, and that Jehovah thy God may bless thee in the land which thou art going in to possess.

§ 131. Service, Ex. 23[25a], Dt. 6[13], 10[12, 20] [11[13-15]]

Deuteronomic Codes

Also to serve him with all thy talents

Ex. 23 [25a]Ye shall serve Jehovah your God.

Dt. 6 [13]Thou shalt fear Jehovah thy God, and him shalt thou serve, and shalt swear by his name.

10 [12]And now Israel, what doth Jehovah thy God require of thee, but to fear Jehovah thy God, to walk in all his ways, to love and to serve Jehovah thy God with all thy heart and with all thy soul? [20]Thou shalt fear Jehovah thy God; him shalt thou serve; and to him shalt thou cleave, and by his name shalt thou swear.

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§ 130 Love, pure and strong, commanding the intelligence and emotions and physical strength of the individual, is made the basis of all law and religion in the great prophetic codes of Dt., as well as in the teaching of the divine Prophet of Nazareth, Mk. 12[29, 30]

[f] Dt. 6[4] *i. e.*, is unique among all gods. Possibly it was also intended to proclaim that Jehovah was the one true God.

CEREMONIAL LAWS

CEREMONIAL LAWS

A

Sacred Objects and Shrines

I

THE ARK AND TENT OF MEETING OR DWELLING

§ 132. **The Ark,** Nu. $10^{33a, c, e, 35, 36}$, Dt. 10^{1-5}, 31^{24-26}, Ex. 25^{10-22}

Primitive Codes

Nu. 10 [33a, c, e]As the Israelites journeyed, the ark of Jehovah went before them to seek out a halting place for them. [35]And whenever the ark started, Moses would say, Symbol of Jehovah's protecting presence

Arise, O Jehovah,
And let thine enemies be scattered;
And let those who hate thee flee before thee.

Sacred Objects and Shrines.—The tendency to associate the gods with certain places and objects was universal in antiquity, and still holds its sway in certain parts of the Orient. Something concrete and objective was required to make the faith of the worshippers real and personal. Among the primitive Semites, as among all early peoples, the most common sacred objects were springs, trees and stones, for each aroused the wonderment and awe of primitive man, and suggested the special presence of a deity. The water gushing from the barren rock was a never-ending miracle, which also brought life and refreshment to thirsty man. The tree, springing likewise from the dark, seemingly lifeless earth, was regarded as a symbol of the life-giving power of the god. Hence sacred trees, or their symbols, the asherahs or poles, were found beside nearly every ancient Semitic shrine.

The dwellers in the wilderness or in rocky Palestine also saw in the great stones—solid, immovable, defying storm and change through the centuries—the abiding-place of the deity. Sometimes the basis of the belief appears to have been the unusual form or character of the stone. Meteoric stones, like the sacred one at Mecca, naturally attracted the attention of early man. On their face they bore the evidence of their unique origin. If they had been seen to fall, a blazing ball of fire from heaven, their divine character was at once established. If a special revelation was given beside some stone, as, for example, in the tradition of Jacob at Bethel, the stone forever afterward was regarded as sacred. In Phœnicia and ancient Canaan there were many such *bethels, houses of god*, stones in which the deity was thought to dwell. In many cases a sanctuary grew up about the sacred stone, as at Bethel and Mecca; thus many of the ancient temples appear to have come into existence.

§ 132 Sacred arks were in common use among the ancient Semitic peoples. Among the Babylonians they were made in the shape of ships, and were carried in the sacred processions. They were used for the transportation of the images of the gods on both land and water. The ship of the Babylonian god Nabu was also provided with a captain and crew. Often in later times these ships or arks were richly adorned and studded with precious stones.

It is only in one of the latest priestly sources, where the tendency to idealize is strong, that the Hebrew ark is represented as covered with gold. In the Deuteronomic code it is simply a box of acacia wood. Probably the true dimensions are represented by the later tradition; about four feet long by two and one-fourth in width and depth. In the oldest sources it is called the *ark of Jehovah* or the *ark of God*, and was evidently regarded as the abiding-place of the Deity. Whether or not this belief was originally due to the fact that it contained two sacred stones—possibly meteoric in character—can never be determined. It has also been urged that it once contained an image of the god worshipped by the ancestors of the Hebrews. A later, and yet comparatively early tradition asserts that it was the repository of

Primitive Codes

[36]And when it rested he would say,

Return, O Jehovah,
To the ten thousands of thousands of Israel.

Deuteronomic Codes

Repository of the two tablets of the law

Dt. 10 [1]At that time Jehovah said to me, Hew thee two stone tablets like the first, and come up to me in the mountain, and make an ark of wood.[a] [2]And I will write on the tablets the words that were on the first tablets which thou didst brake, and thou shalt put them in the ark. [3]So I made an ark of acacia wood and hewed two stone tablets like the first and went up into the mountain, having the two tablets in my hand. [4]And he wrote upon the tablets, in the same writing as before, the ten words[b] which Jehovah spoke to you in the mountain out of the midst of the fire in the day of the assembly. And Jehovah gave them to me. [5]Then I turned and came down from the mountain, and put the tablets in the ark which I had made; and there they are as Jehovah commanded me.[c]

Of the written law

Dt. 31 [24]When Moses had made a final end of writing the words of this law[d] in a book, [25]he gave this command to the Levites, who bore the ark of the covenant of Jehovah: [26]Take this book of the law and put it beside the ark of the covenant of Jehovah your God, that it may be there as a witness against you.[e]

Priestly Codes

Form and dimensions of the ark

Ex. 25 [10]They shall make an ark of acacia wood: two cubits and a half shall be its length, and a cubit and a half its width, and a cubit and a half its height. [11]And thou shalt overlay it with pure gold, both within and without, and thou shalt make on the top of it round about a projecting rim

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the two tablets of the law. Accordingly in the Deuteronomic source it was called the *ark of the covenant of Jehovah* and in the priestly, *the ark of the testimony*. In the days of the settlement in Canaan, however, the ark figures in its original rôle as the abiding-place of the Deity and, therefore, in popular thought, as the invincible palladium which would bring victory to the Hebrews, I Sam. 4–6, cf. Vol. II, § 4. On the whole the earliest allusions to the ark favor the conclusion that it was an empty throne supported and guarded by cherubim. The base was a wooden chest, which could be easily transported. This implication is strongly supported both by the use of arks among other Semitic peoples and by the late priestly tradition in Ex. 25[22]. For further data, cf. Dibelius, *Die Lade Jahves*.

The history of the ark is only imperfectly recorded. There are no strong reasons for doubting the testimony of the early traditions, which trace its origin back to the period of the wilderness. Borne by the Hebrews in their advance to Canaan, it appears to represent in primitive thought the transfer of Jehovah from Sinai to Canaan, where he subsequently dwells with his people. After various experiences, it at last found a resting place in David's capital and became the central object of Solomon's temple. Possibly it was carried away by the Egyptian invader, Shishak, or survived until the destruction of the temple in 586 B.C., but more probably, in the damp climate of Palestine, it in time decayed and fell to pieces. The surprising fact is that the late priestly school revived and glorified the traditions of this symbol which came from the half-heathen past, and gave it a central place in their idealized history. Cf. for a possible explanation note § 134.

[a] Dt. 10[1-3] These vss. are practically a repetition of the early Judean narrative of Ex. 34[1-4], except that the latter contain no reference to the ark. Probably the original primitive code contained brief directions for the making of the ark, for which a late editor substituted the priestly version.

[b] Dt. 10[4a] This is a repetition of Ex. 34[28b].

[c] Dt. 10[1-5] These vss. evidently belong to one of the later passages of Dt.

[d] Dt. 34[24] *I. e.*, the original Deuteronomic law.

[e] Dt. 31[24-26] These vss. are a later variant of 31[9-13].

Priestly Codes

of gold. [12]And thou shalt cast for it four rings of gold and put them on its four feet, there shall be two rings on each side of it. [13]And thou shalt make poles of acacia wood, and overlay them with gold. [14]And thou shalt put the staves into the rings on the sides of the ark, in order with these to carry the ark. [15]The poles shall be left in the rings of the ark; they shall not be taken from it. [16]And thou shalt put the law[f] into the ark which I shall give. [17]And thou shalt make a cover of[g] pure gold: two and a half cubits long, and a cubit and a half wide. [18]And thou shalt make two cherubim[h] of gold—of beaten work shalt thou make them—at the two ends of the cover. [19]And thou shalt fasten a cherub to each end; on the cover thou shalt fasten the cherubim at its two ends. [20]And the cherubim shall hold their wings spread out on high, so that they will overspread the cover with their wings, while they face each other; the faces of the cherubim shall be turned toward the cover.

[21]And thou shalt place the cover upon the ark; and in the ark thou shalt put the law that I shall give thee. [22]And there I will meet with thee, and I will commune with thee from over the cover; from the place between the two cherubim which are upon the ark of the law I will make known to thee all the commands which I will give through thee to the Israelites. Its use according to later tradition

§ 133. The Original Tent of Meeting, Ex. 33[5-11]

Primitive Codes

Ex. 33 [5]Jehovah said to Moses, Say to the Israelites, 'Ye are a wilful people; if I go up into the midst of thee for one moment, I shall consume thee, therefore put off thy ornaments from thee, that I may know what to do to thee.' [6]So the Israelites despoiled themselves of their ornaments from Mount Horeb onward, *and with these Moses made a tent.* Origin of the tent

[7]Now Moses used to take the tent and pitch it outside the camp at some distance from the camp, and he called it the tent of meeting, And whenever anyone wished to consult Jehovah, he would go out to the tent of meeting, Its use in the Wilderness

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[f] Ex. 25[16] Lit., *testimony*, the late priestly collective term for the law.

[g] Ex. 25[17] The traditional translation is, *mercy-seat*, but the Heb. word comes from a root meaning *to cover*. The fact that this word usually has a symbolic and theological signification, is the basis of the current translation.

[h] Ex. 23[18] The cherubim, like the colossi which guarded the Assyrian and Babylonian palaces or the bulls overlaid with gold in the sanctuaries of Dan and Bethel in the days of Jeroboam I, were symbolic of strength, the wings of a bird, of swift flight, and the faces of men, of intelligence. All these elements belonged to the common Semitic symbolism of the age.

§ 133 As has already been shown in Vol. I, note § 79, the older prophetic and the late priestly narratives give two distinct pictures of the tent of meeting. According to the early Ephraimite prophetic account of Ex. 33[5-11], it is small and stands outside the camp at a distance, and is in charge of Moses' attendant Joshua; but according to the priestly tradition in Ex. 35–40 and Nu. 2 it is an exceedingly elaborate structure, stands in the midst of the camp, and may be entered only by the sons of Aaron. The allusions in the earlier version indicate that it was originally preceded by an account of its construction; but the late priestly editor of Ex. has left it out, because he was chiefly interested in the later detailed tradition of its form and structure, now found in Ex. 35–40.

That there was some simple portable tent for the ark, and that the sacred stones used in casting the lot were kept in connection with it seem exceedingly probable in the light of the testimony of the comparatively early traditions. To this tent the people would naturally resort to determine the divine will through Moses. These facts appear to be the basis of the familiar later tradition of the dwelling or tabernacle.

Primitive Codes

which was outside the camp. [8]And whenever Moses went out to the tent, all the people would rise and stand, every man at his tent door, and look after Moses until he had gone into the tent. [9]And when Moses had entered into the tent, the pillar of cloud would descend and stand at the door of the tent, while Jehovah spoke with Moses. [10]And whenever the people saw the pillar of cloud standing at the door of the tent, every man stood up and worshipped, each at his tent door. [11]Thus Jehovah used to speak with Moses face to face, as a man speaks to his friend. Then he would return to the camp; but his attendant Joshua, the son of Nun, a young man, did not leave the tent.

§ 134. The Post-Exilic Conception of the Tent of Meeting or Dwelling, Ex. 25[1-9], 26[1-33]

Priestly Codes

Material for the dwelling

Ex. 25 [1]Jehovah said to Moses, [2]Command the Israelites that they take for me a special offering: from every man whose heart maketh him willing ye shall take my offering. [3]And this is the special offering which ye shall take from them: gold, silver, brass, [4]violet, purple, and red cloth, fine linen, goats' hair, [5]rams' skins dyed red, Egyptian leather, acacia wood, [6]oil for the light, spices for the anointing oil, and for the sweet incense, [7]onyx stones and precious stones for the ephod and for the breastplate. [8]And let them make me a sanctuary, that I may dwell among them. [9]Exactly as I show thee the plan of the dwelling and of all its furniture, even so shall ye make it.

Its curtains

26 [1]Moreover thou shalt make the dwelling with ten curtains; of fine twined linen, and violet, and purple, and red cloth, with cherubim the work of the skilled artisans shalt thou make them. [2]The length of each curtain shall be twenty-eight cubits, and the width of each curtain four cubits: all

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§ 134 Careful biblical students have long recognized the idealistic elements in this priestly tradition, first current in certain Jewish circles eight centuries after the days of Moses. In general character it is parallel to the Chronicler's idealized and glorified accounts of the days of David and Solomon and the pre-exilic temple. Cf. Vol. I, pp. 22–28. Gold and silver and gorgeous fabrics take the place of the plain wood, and goats' hair cloth which the desert life alone affords. Moses' attendant Joshua and the simple customs of the earlier age and narratives are supplanted by a highly developed priesthood and ritual. The institutions and ceremonial ideas of the post-exilic age are again projected back into the primitive life of the wilderness, that their origin and authority may be traced to Moses, the traditional fountain of all law. The plan and furnishings of the dwelling are also modelled after those of the pre-exilic and post-exilic temple, simply being adapted to the supposed conditions of the wilderness wanderings. Throughout, that centralization of all worship into one sanctuary, which did not come until the days of Josiah, § 140, is assumed.

It is not strange that there are occasional discrepancies. The conclusions of modern architects that a structure constructed on the plan here outlined would not bear its own weight is probably correct. To transport it a vast caravan of wagons and oxen would have been required. The complete absence of all reference to it in the pre-exilic literature, and the presence instead of the simple and very different tent of meeting, and many other convincing data confirm the conclusion that this account of the dwelling or tabernacle came from the minds of the late Jewish priests, familiar with the second temple.

The value of this elaborate description is insignificant compared with that of many other sections of the legal literature. In the past more attention has been devoted to it than it really deserves—often to the neglect of noble ethical laws, which possess a permanent value. The account of the dwelling and its furnishings and rites is important chiefly because it is an indirect picture of the second temple and of its institutions. The repetitious sections in Ex. 31[1-11], 35–40, which simply tell in the same language of the execution of the commands to build the dwelling, have not been reproduced.

Priestly Codes

the curtains shall have the same measure. ³Each set of five curtains shall be joined to each other. ⁴And thou shalt make loops of violet on the edge of the outer curtain in the first set; and likewise shalt thou do with the edge of the outer curtain in the second set.[i] ⁵Fifty loops shalt thou make on the one curtain, and fifty loops shalt thou make on the edge of the curtain that is in the second set;[j] the loops shall be opposite one another. ⁶And thou shalt make fifty clasps of gold, and join the curtains to each other with the clasps, that the dwelling may be one whole.

Outer covering

⁷Furthermore thou shalt make curtains of goats' hair for a tent over the dwelling; eleven curtains shalt thou make for that purpose. ⁸The length of each curtain shall be thirty cubits, and the width of each curtain four cubits; the eleven curtains shall have the same measure. ⁹Thou shalt join five curtains by themselves, and the other six curtains by themselves, and the sixth curtain in the forefront of the tent thou shalt lay double. ¹⁰Moreover thou shalt make fifty loops on the edge of the outer curtain in the first set, and fifty loops on the edge of the outer curtain in the second set.[k] ¹¹And thou shalt make fifty clasps of brass, and put the clasps into the loops, and thus join the tent together, that it may be one whole. ¹²And as for the excess[l] which remaineth of the curtains of the tent, the half curtain which remaineth, shall hang over the rear of the dwelling. ¹³And the cubit on both sides, the excess length of the curtains of the tent, shall hang over both sides of the dwelling to cover it. ¹⁴Thou shalt also make a protecting covering for the tent of rams' skins dyed red, and a protecting covering of Egyptian leather[m] above.

Supporting timbers

¹⁵Moreover thou shalt make the boards for the dwelling of acacia wood standing upright. ¹⁶Ten cubits shall be the length of each[n] board, and a cubit and a half the width of each board. ¹⁷Each board shall have two tenons mortised to each other; thus shalt thou make all the boards of the dwelling. ¹⁸Thou shalt make the boards for the dwelling, twenty boards for the south side[o] facing southward. ¹⁹And thou shalt make forty sockets of silver under the twenty boards; two sockets under each board for its two tenons; ²⁰and for the second side of the dwelling, facing northward,[p] twenty boards, ²¹with their forty sockets of silver; two sockets under each board. ²²And for the rear of the dwelling westward thou shalt make six boards. ²³And two boards shalt thou make for the corners of the dwelling at the rear. ²⁴They shall be of equal size[q] beneath, and likewise they shall be of equal

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[i] 26⁴ Or, *on the edge of the one curtain at the end, at the place of joining . . ., at the second place of joining.*

[j] 26⁵ Or, *that is, at the second place of joining.*

[k] 26¹⁰ Or, *edge of the outer curtain at the place of joining, . . . that is outermost at the second place of joining.*

[l] 26¹² Lit., *Overhanging part.*

[m] 26¹⁴ The exact meaning of the word is uncertain. It is probably of Egyptian derivation. The current translation, *seal skins*, is very doubtful.

[n] 26¹⁶ So Luc. and Syr.

[o] 26¹⁸ Luc., *north side.*

[p] 26²⁰ Luc. *south side.*

[q] 26²⁴ Heb., *twins.* The meaning may be that these corner boards are securely fastened to the adjoining boards of both the side and rear walls.

Priestly Codes

size[r] at the top even to the first ring; thus shall they both be made; they shall form the two corners. [25]So there shall be eight boards with their sockets of silver, sixteen sockets; two sockets under each board.

Connecting bars

[26]Moreover thou shalt make bars of acacia wood; five for the boards on the one side of the dwelling, [27]and five bars for the boards on the other side of the dwelling, and five bars for the boards on the rear of the dwelling, facing westward. [28]The middle bar which holds the boards shall pass through from end to end. [29]And thou shalt overlay the boards with gold, and make their rings of gold as holders for the bars; and thou shalt overlay the bars with gold. [30]So thou shalt erect the dwelling according to its plan, as it was showed thee on the mountain.

Veil between the holy and most holy place

[31]Furthermore thou shalt make a veil of violet, purple, and red cloth and fine twined linen; with cherubim, the work of the skilled artisan shalt thou[s] make it. [32]Thou shalt hang it upon four pillars of acacia overlaid with gold; their hooks shall be of gold, upon four sockets of silver. [33]And thou shalt hang the veil under the clasps, and thou shalt bring in thither, within the veil, the ark of the testimony; thus the veil shall serve you as a partition between the holy place and the most holy.

§ 135. Furnishings of the Dwelling, Ex. 25[23-40], 27[1-8] [Nu. 8[4]], Ex. 30[17-21, 1-6], 26[34-37]

Priestly Codes

Table of showbread

Ex. 25 [23]Moreover thou shalt make a table[t] of acacia wood: two cubits long, a cubit wide, and a cubit and a half high. [24]Thou shalt overlay it with pure gold, and make thereon a crown of gold round about. [25]Thou shalt also make for it a border of a handbreadth round about; and thou shalt make a golden crown for its border round about. [26]Then thou shalt make for it four rings of gold, and fasten the rings at the four corners that are on its four feet. [27]Close by the border shall the rings be, as holders for the staves whereby the table is borne. [28]And thou shalt make the staves of acacia wood, and overlay them with gold; with them shall the table be borne. [29]Thou shalt also make for it dishes, and cups, and flagons, and bowls with which the libation is poured out; of pure gold shalt thou make them. [30]And thou shalt set showbread upon the table before me continually.

Golden candlestick

[31]Moreover thou shalt make a candlestick of pure gold; of beaten work shalt thou make[u] the candlestick, even its base and its shaft; its cups, and[v] its gourds, and its flowers shall be of one piece with it.[w] [32]And there shall

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[r] 26[24] So Sam. and Luc. Heb., *entire.*
[s] 26[31] So Luc. and Syr. Heb., *shall he make it.*
§ 135 The diagram on the opposite page suggests the general plan and arrangements of the dwelling and its surrounding court.
[t] 25[23] Luc., *of pure gold and acacia wood.*
[u] 25[31] So Luc., Sam. and Syr. Heb., *shall be made.* A briefer description of the candlestick is also given in Nu. 8[4].
[v] 25[31] So Luc. Heb., *its cups, its gourds and its flowers, i. e.,* its cuplike ornaments consisting of gourds and flowers.
[w] 25[31] Lit., *shall come forth from it.* Cf. also Nu. 8[4].

Priestly Codes

be six branches going out from its sides: three branches of the candlestick from each side. [33]There shall be three cups made like almond-blossoms on each branch, consisting of a gourd and a flower; so for the six branches springing from the candlestick; [34]and on the candlestick four cups made like almond-blossoms, its gourds and flowers; [35]and a gourd under each pair of branches, of one piece with it, so[a] for the six branches springing from the candlestick. [36]Their gourds and their branches shall be one piece with it; the whole a single piece of beaten work of pure gold. [37]Thou shalt also make its lamps, seven; and thou[b] shalt set up its lamps that they may give light over against it. [38]And its snuffers and the snuffdishes, shall be of pure gold. [39]Of a talent of pure gold thou[c] shalt make it, with all these vessels. [40]And see that thou make them after their plan, which was shown thee on the mountain.

Sacrificial altar and its utensils

27 [1]Thou shalt make the altar of acacia wood, five cubits long, and five cubits wide; the altar shall be square and its height shall be three cubits. [2]And thou shalt make the horns for it on the four corners; the horns shall be of one piece with it; and thou shalt overlay it with brass. [3]And thou shalt make its pots for taking away its ashes, and its shovels and its basins, and its flesh-hooks, and its firepans; all its vessels shalt thou make of brass. [4]And thou shalt make for it a grating of network of brass; and upon the net shalt thou make four brazen rings at the four corners. [5]And thou shalt put it under the ledge round the altar, that the net may reach half way up the

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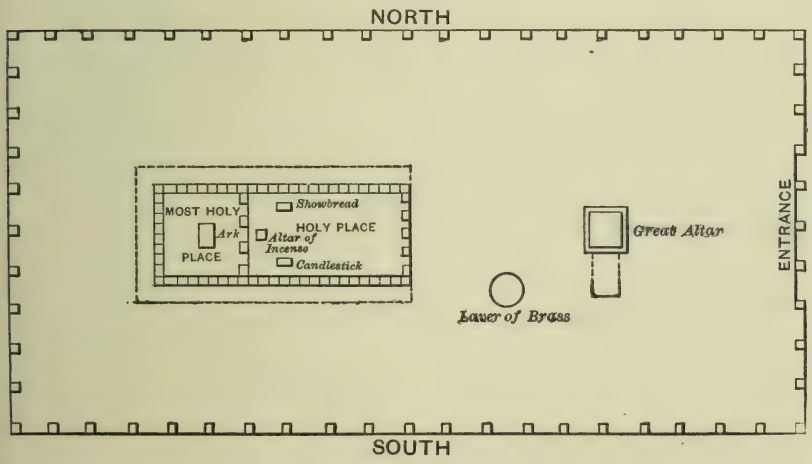
[a] 25[35] So Luc. The Heb. omits, *so.*
[b] 25[37] So Luc. Heb., *he shall.*
[c] 25[39] So Luc. Heb., *shall he make it.*



PLAN OF THE DWELLING AND ITS COURT

Priestly Codes

altar. [6]Thou shalt also make staves for the altar, staves of acacia wood, and overlay them with brass. [7]And in carrying it, its staves shall be put into the rings, and the staves shall be upon the two sides of the altar. [8]Hollow, with planks shalt thou make it; as it was shown to thee on the mountain shalt thou make it.

Supplemental Priestly Codes

Ex. 30 [17]Jehovah also gave this command to Moses, [18]Thou shalt make a laver of brass, with its base of brass, to be used for washing. Thou shalt put it between the tent of meeting and the altar, and thou shalt put water in it, [19]so that Aaron and his sons may wash their hands and their feet in it; [20]whenever they enter the tent of meeting, they shall wash with water, that they die not; or whenever they come near the altar to minister, to burn an offering made by fire to Jehovah. [21]So they shall wash their hands and their feet, that they die not. This shall be statute forever[d] for them, even for him and his descendants throughout their generations.

Altar of incense

30 [1]Moreover thou shalt make an altar upon which to burn incense; of acacia wood shalt thou make it. [2]A cubit shall be its length, and a cubit its width; it shall be square; and its height shall be two cubits; its horns shall be of one piece with it. [3]And thou shalt overlay it with pure gold, its top, and the sides round about, and its horns; and thou shalt make on it a rim[e] of gold round about. [4]And two golden rings shalt thou make for it under its rim, upon its two ribs;[f] upon the two sides of it thou shalt make them; and they shall serve[g] as holders for the staves with which to carry it. [5]And thou shalt make the staves of acacia wood, and overlay them with gold. [6]And thou shalt put it before the veil that is by the ark of the testimony, before the cover that is over the testimony, where I will meet with thee.

Order of arrangement

Ex. 26 [34]And thou shalt put the cover upon the ark of the testimony in the most holy place. [35]And thou shalt set the table without the veil, and the candlestick opposite the table on the south side of the dwelling; and thou shalt put the table on the north side. [36]Moreover thou shalt make a screen for the door of the tent, of violet, purple, and red cloth, and fine twined linen, embroidered work. [37]And thou shalt make for the screen five pillars of acacia wood, and overlay them with gold; their hooks shall be of gold; and thou shalt cast five sockets of brass for them.

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[d] 30[21] Or, *perpetual regulation.*
[e] 30[3] *Border* or *crown.*
[f] 30[4] *Upon its two ribs,* is possibly secondary, a marginal note from 25[12].
[g] 30[4] Luc. and Sam. Heb., *it shall be.*

§ 136. Court of the Dwelling, Ex. 27[9-19]

Priestly Code

Ex. 27 [9]Thus shalt thou make the court of the dwelling: for the southern court there shall be hangings of fine twined linen a hundred cubits long on a side; [10]and its pillars shall be twenty, and their sockets twenty, of brass; the hooks of the pillars and their fillets shall be of silver. [11]And likewise for the north side[h] the hangings shall be a hundred cubits in length, and its pillars twenty, and their sockets twenty, of brass; the hooks of the pillars and their fillets, of silver. [12]And along the width of the court on the west side shall be hangings of fifty cubits; their pillars ten, and their sockets ten. [13]And the court on the east side facing eastward shall be fifty cubits wide. [14]The hangings for the one side shall be fifteen cubits, their pillars three, and their sockets three. [15]And for the other side there shall be hangings of fifteen cubits; their pillars three, and their sockets three. [16]And for the gate of the court there shall be a screen of twenty cubits, of violet, and purple, and red cloth, and fine twined linen, embroidered work; their pillars four and their sockets four. [17]All the pillars of the court round about shall be filleted with silver; their hooks also shall be of silver, but their sockets of brass. [18]The length of the court shall be a hundred cubits, and the width fifty cubits, and the height five[i] cubits.[j] [19]All the utensils of the dwelling for all its service, and all its pins, and all the pins of the court, shall be of brass.

Plan and dimensions

II

ALTARS AND TEMPLES

§ 137. Ancient Altars and Places of Sacrifice, Ex. 20[24-26] [Dt. 27[5-7]]

Primitive Codes

Ex. 20 [24]An altar of earth shalt thou make for me, and shalt sacrifice on it thy burnt-offerings, and thy peace-offerings, thy sheep, and thine oxen; in

Directions regarding construction and use

§ 136 This description is so much condensed that the meaning is not always clear.

[h] 27[11] So Luc. and Sam. The Heb. inserts, *long.*

[i] 27[18] So Sam. Heb., *five hundred.* Luc., *one hundred everywhere, and its width one hundred everywhere.*

[j] 27[18] A scribe has added by mistake from [16, 17], *of fine twined linen, and their sockets of brass.*

§ 137 This primitive law, reproduced with slight abridgement and variations in Dt. 27[5-7] reflects vividly the primitive usage and point of view. The command not to hew with an iron instrument the stone used as an altar, probably finds its ultimate basis in the early belief that the *numen* or spirit of the deity dwelt in the rock upon which the blood of the sacrifice was poured, and that a blow might drive it away. Cf. I Kgs. 18[31, 32], Josh. 8[31], I Sam. 14[32-34]. It also reveals the earliest conception of sacrifice: the blood poured out upon the rock in which the spirit of the god resided established the bond between the deity and his subjects, who presented and also shared in the sacrifice, cf. note § 195. The ritualistic injunctions remained in force long after the naïve, primitive ideas that suggested them had yielded to a broader faith.

The variant version in Dt. reads: [5]*There thou shalt build an altar for Jehovah thy God, an altar of stones; thou shalt swing no iron tool over them.* [6]*Thou shalt build the altar of Jehovah thy God of unhewn stones; and thou shalt offer burnt-offerings on it to Jehovah thy God.* [7]*And thou shalt sacrifice peace-offerings, and shalt eat there; and thou shalt rejoice before Jehovah thy God.*

Primitive Codes

every place, where I record my name,[a] I will come to thee and I will bless thee. [25]But if thou make me an altar of stone, thou shalt not build it of hewn stones; for if thou swing an iron tool over it, thou hast polluted it. [26]Thou shalt not ascend by steps to mine altar,[b] that thy nakedness may not be uncovered before it.

§ 138. Solomon's Temple, I Kgs. 6[2-6, 8, 9, 15-35]

Temple Records

Dimensions

I Kgs. 6 [2]The length of the temple which King Solomon built for Jehovah was sixty and its breadth twenty cubits, and its height thirty cubits. [3]And the porch before the large room of the temple was twenty cubits wide, corresponding to the width of the temple, and ten cubits deep before the temple. [4]And for the temple he made windows with narrowed frames.

Side-chambers

[5]And around against the wall of the temple he built wings, both around the larger room and the inner room, and made side-chambers round about. [6]The lower side-chamber was five cubits broad, and the middle six cubits broad, and the third seven cubits broad; for on the outside he made offsets around about the temple in order not to make an inset into the walls of the temple. [8]The entrance into the lower side-chambers was on the south side of the temple. And one could go up by winding stairs into the middle story, and from the middle into the third. [9]So he built the temple and finished it; and he covered the temple with cedar.

Interior decorations

[15]And he built the walls of the temple within with boards of cedar, from the floor of the temple to the rafters of the ceiling, overlaying them on the inside with wood; and he covered the floor of the temple with boards of cypress. [16]And he built off the back twenty cubits from the innermost part of the temple with boards of cedar from the floor to the rafters; he built it within for an inner room, even for the most holy place. [17]And the temple, that is the large room before the inner room, was forty cubits long. [18]And there was cedar in the interior of the temple, carving in the form of gourds and open flowers; all was cedar, no stone was seen. [19]And he prepared an inner room in the interior of the temple in order to place there the ark of the covenant of Jehovah. [20]And the inner room was twenty cubits long and twenty cubits broad and twenty cubits high. And he overlaid it with pure gold. And he made an altar of cedar wood [21]before the inner room, and he overlaid it with gold. [22]And the whole temple was overlaid with gold, until all the temple was finished. [29]And he carved all the walls of the house round about with carved figures of cherubim and palm trees and opening flowers, both in the inner and outer rooms. [30]And the floor of the temple he overlaid with gold.

The cherubim

[23a]And in the inner room he made two cherubim of olive wood. [26]The height of the one cherub was ten cubits, and so was that of the other—[23b]each

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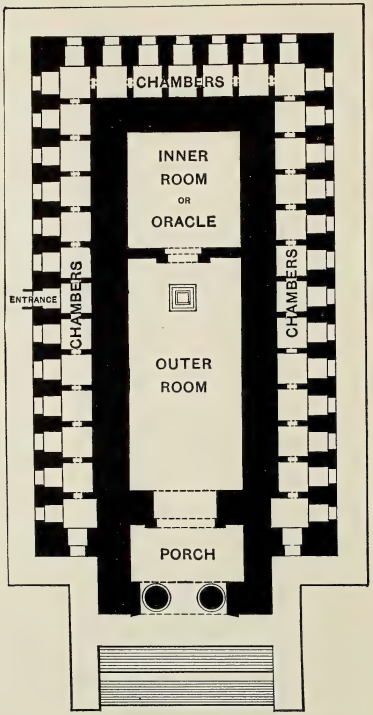
[a] Ex. 20[24] Lit., *cause my name to be remembered, i. e.*, at each of the many sacred places, where according to tradition Jehovah had revealed himself, as, for example, at Bethel.

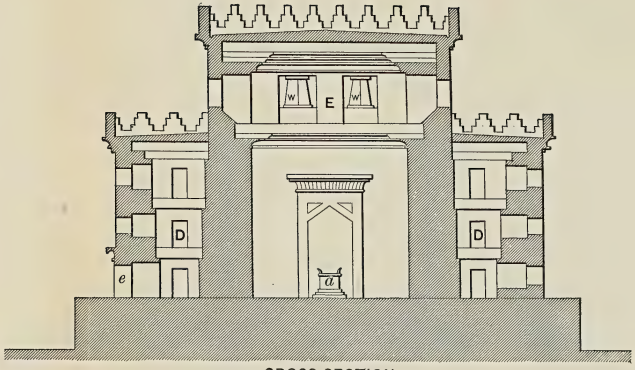
[b] Ex. 20[26] *I. e.*, the approach was to be by a natural incline.

§ 138 The account of Solomon's temple is here reproduced from Vol. II, pp. 181–6, that it may be possible to make a complete study of this important institution. For the variations from the Heb. text, cf. Vol. II, notes under § 51. For the plans cf. opp. page.



GROUND PLAN.

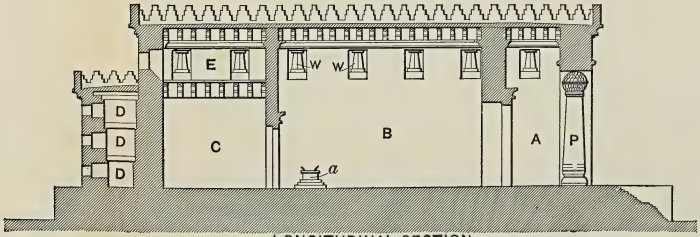
10 5 0 10 20 30 40 50 CUBITS.
10 5 0 10 20 METERS.



CROSS SECTION.

10 5 0 10 20 30 40 50 CUBITS.
10 5 0 10 20 METERS.

A. *Porch.*
B. *Outer Room.*
C. *Inner Room or Oracle.*
D. *Chambers.*
E. *Upper Chamber.*
P. *Pillars.*
W. *Windows.*
a. *Altar.*
e. *Entrance to Side Chambers.*



LONGITUDINAL SECTION.

10 5 0 10 20 30 40 50 60 70 80 90 100 CUBITS.
10 0 10 20 30 40 METERS.

RESTORATION OF SOLOMON'S TEMPLE.

ACCORDING TO STADE.

H. S. MABIE, DEL.

Temple Records

ten cubits high. ^{24}And one wing of the cherub measured five cubits, and the other wing of the cherub also five cubits—ten cubits from the extremity of one wing to the extremity of the other. ^{25}And the other cherub also measured ten cubits: both the cherubim were of the same measurement and form. ^{27}And he set up the cherubim in the inner room of the temple, and the wings of the cherubim were stretched forth, so that the wing of the one touched the one wall, while the wing of the other cherub touched the other wall, and their wings touched one another in the middle of the temple ^{28}and he overlaid the cherubim with gold.

Door of the inner room

^{31}And the door of the inner room he made with folding doors of olive wood; the pilasters formed a pentagonal. ^{32}And on the two doors of olive wood he carved carvings of cherubim and palm trees and opening flowers, and he spread the gold over the cherubim and the palm trees.

^{33}So also he made for the door of the large room posts of olive wood, four square, ^{34}and two folding leaves of cypress wood: the two leaves of the one door were folding, and the two leaves of the other door were folding. ^{35}And he carved cherubim and palm trees and opening flowers, and overlaid them with gold applied evenly to the carving.

§ 139. Ornamentations and Furnishings of Solomon's Temple, I Kgs. 7$^{13-44}$, II Chr. 4$^{1, 7, 8}$ [3$^{15-17}$, 4$^{2-6, 8}$, 5^{1}, Jer. 52$^{21-23}$]

Temple Records

The pillars at the entrance

I Kgs. 7 ^{13}Then King Solomon sent and brought Hiram-abi from Tyre. ^{14}He was the son of a widow of the tribe of Naphtali, an Aramean worker in brass; and he was gifted with skill, understanding, and knowledge to carry on all kinds of work in brass. And he came to King Solomon and did all his work. ^{15}For he cast the two pillars of brass for the porch of the temple. Eighteen cubits was the height of one pillar, and its circumference measured twelve cubits; the thickness of the pillar was four fingers—it was hollow. And the second pillar was similar. ^{16}And he made two capitals of molten brass, to set upon the tops of the pillars; the height of the one capital was five cubits, and the height of the other capital was five cubits. ^{17}And he made two nets (woven work, festoons, chain-work) for the capitals which were on the top of the pillars; a net for the one capital, and a net for the other capital. ^{18b}And he made the pomegranates; and two rows of pomegranates in brass were upon the one network, ^{20b}and there were two hundred pomegranates—two rows around about the one capital. ^{18c}And he did the same to the other capital. ^{19}And the capitals that were upon the top of the pillars in the porch were of lily-work—four cubits. ^{20a}And there were capitals above also upon the two pillars, in connection with the bowl-shaped part of the pillar which was beside the network. ^{21}And he set up the pillars at the porch of the temple: and he set up the pillar at the right and called it Jachin; and he set up the pillar at the left and called it Boaz. ^{22}And upon the top of the pillars was lily-work. So was the work of the pillars finished.

Molten sea

^{23}And he made the molten sea ten cubits in diameter from brim to brim, and five cubits high, and its circumference measured thirty cubits. ^{24}And

under its brim on the outside were gourds which encircled it, for thirty cubits, encircling the sea on the outside; the gourds were in two rows, cast when it was cast. [26]And it was a handbreadth thick; and its brim was wrought like the brim of a cup, similar to the flower of a lily. It held about sixteen thousand gallons. [25]It stood upon twelve oxen, three looking toward the north, and three looking toward the west, and three looking toward the south, and three looking toward the east; and the sea was set down upon them, and all their hinder parts were turned inward.

Movable brazen stands

[27]And he made the ten stands of brass; each stand was four cubits long, four cubits broad, and three cubits high. [28]And the stands were made as follows: they had border-frames, and the border-frames were between the upright supports; [29]and on the border-frames that were between the upright supports were lions, oxen, and cherubim; and upon the upright supports likewise; and above and beneath the lions and oxen and cherubim was bevelled work. [30a]And every stand had four wheels of brass and axles of brass. [32]And the four wheels were underneath the border-frames; and the axles and the wheels were cast as a part of the stand. And the height of each wheel was a cubit and a half. [33]And the construction of the wheels was like that of a chariot wheel: their axles, their felloes, their spokes, and their hubs, were all cast. [34]And at the four corners of each stand were four shoulder-pieces; the shoulder-pieces were cast as part of the stand. [35]And in the top of the stand was a round opening, half a cubit high, and on the top of the stand were its stays and its border-frames. [36]And on the flat surface of the stays and border-frames, he engraved cherubim, lions, and palm trees, according to the space on each, with wreaths round about. [30b]And the four corners had shoulder-pieces: beneath the bowl the shoulder-pieces were cast, with wreaths at the side of each. [31]And its opening within the shoulder-pieces was a cubit and more: and its opening was round after the form of a pedestal (a cubit and a half) and also upon its opening were gravings, and its border-frames were square, not round. [37]Thus he made the ten stands: all of them had one casting, and were of the same measure and form.

Position of the stands with their lavers

[38]And he made ten lavers of brass; a laver contained three hundred and twenty gallons, and each laver measured four cubits; and on each one of the ten stands was a laver. [39]And he set the stands, five on the right side of the temple and five on the left side of the temple; and he set the sea on the right side of the temple eastward toward the south.

Altar of brass

II Chr. 4 [1]Moreover he made an altar of brass—twenty cubits long, and twenty cubits broad, and ten cubits high.

Candlesticks

[7]And he made the ten candlesticks of gold according to the directions concerning them; and he set them in the temple, five on the right hand and five on the left. [8]He made also ten tables, and placed them in the temple, five on the right side and five on the left. And he made a hundred golden bowls.

Completion of the work

I Kgs. 7 [40]And Hiram made the lavers and the shovels, and the bowls. So Hiram completed all the work that he wrought for King Solomon in the temple of Jehovah: [41]the two pillars and the two bowl-shaped capitals that were on the top of the pillars, [42]and the four hundred pomegranates for

Temple Records

the two networks to cover the two bowl-shaped capitals that were on the top of the pillars, ^{43}and the ten stands and the ten lavers on the stands, ^{44}and the one sea with the twelve oxen under the sea.

§ 140. The Later Law of the One Sanctuary, Dt. 12$^{10-18}$, 16$^{5, 6}$, Lev. 17$^{3-5, 7}$ [Dt. 12$^{1-12, 19-21, 26-28}$, 14$^{22-27}$, 15$^{19, 20}$, 31$^{10, 11}$]

Deuteronomic Codes

Dt. 12 ^{10}When ye shall have crossed the Jordan, and dwell in the land which Jehovah your God hath given you as an inheritance, and he shall have given you rest from all your enemies round about, so that ye dwell in safety; ^{11}then to the place, where Jehovah your God shall choose to have his name dwell, ye shall bring all that I command you: your burnt-offerings, and your sacrifices, your tithes, and the special gifts of your hand, and all your choice votive-offerings which ye vow to Jehovah. ^{12}And ye shall rejoice before Jehovah your God, together with your sons, your daughters, your male and female slaves, and the Levite who dwells in your city, for he hath no portion nor inheritance with you. Centralization of all the ceremonial religious life at Jerusalem

^{13}Take heed not to offer thy burnt-offerings in every place that thou seest; ^{14}but in the place which Jehovah shall choose in one of thy tribes, there thou shalt offer thy burnt-offerings, and there thou shalt do all that I command thee. No offerings to be made elsewhere

^{15}Yet thou mayest to thy heart's desire kill and eat flesh within any of thy cities, according as Jehovah thy God hath blessed thee: the unclean and the clean may eat of it, as of the gazelle and as of the hart. ^{16}Only ye shall not eat of the blood; thou shalt pour it out upon the earth as water. Animals killed for food

^{17}Thou mayest not eat within thy gates the tithe of thy grain of thy new wine, or of thine oil, or of the firstlings of thy herd or of thy flock, or any of thy votive-offerings which thou vowest, nor thy voluntary-offerings, nor the special gifts of thy hand; ^{18}but thou shalt eat them before Jehovah thy God in the place which Jehovah thy God shall choose, together with thy son, thy daughter, thy male and female slaves, and the Levite who dwelleth in thy city; and thou shalt rejoice before Jehovah thy God over all which thou hast attained. Special offerings

16 ^{5}Thou mayest not sacrifice the passover in any of thy cities, which Jehovah thy God giveth thee ^{6}but at the place in which Jehovah thy God shall choose to have his name dwell, there thou shalt sacrifice the passover Passover feast

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§ 140 The higher religious and ethical teachings of the great prophets of the Assyrian period and the evils, which became glaringly apparent in the reactionary reign of Manasseh, when heathenism had full sway, revealed clearly to the later prophets and priests who formulated the Deuteronomic and Holiness codes, the impossibility of developing the pure worship of Jehovah at the high places throughout the land. Cf. Introd., pp. 32, 33. Too many heathen traditions and debasing customs still clung to those ancient shrines. At Jerusalem under the direction of the more enlightened prophets and priests the higher ideals could be more favorably inculcated. The present laws prescribe this revolutionizing change in the national worship; with one stroke all the local festivals and cults are forbidden and all the formal religious life of Judah is centred in Jerusalem. The change marks in many ways, one of the most radical religious reformations recorded in human history.

Deuteronomic Codes

in the evening as the sun goes down, at the fixed time when thou camest forth from Egypt.

Holiness Code

Every animal slain to be presented at the temple

Lev. 17 [3]If there be any man of the house of Israel who killeth an ox, or lamb, or goat, either within the camp or without the camp,[c] [4]and doth not bring it to the entrance of the tent of meeting, to present it as an offering to Jehovah before the dwelling of Jehovah, blood-guilt shall be imputed to that man; he hath shed blood; and that man shall be cut off from among his people, [5]in order that the Israelites may bring their sacrifices which they are wont to sacrifice in the open field, to Jehovah, at the entrance of the tent of meeting, to the priest, and sacrifice them as sacrifices of peace-offerings to Jehovah. [7]And they shall no more offer their sacrifices to the satyrs, which they faithlessly worship.[d] This shall be an everlasting statute for them throughout their generations.

III

EZEKIEL'S TEMPLE PLAN

§ 141. The Outer Gates and Court, Ezek. 40[1-27]

Ezekiel's Code

Introduction: the prophet's vision

Ezek. 40 [1]In the twenty-fifth year of our captivity, in the beginning[a] of the year, in the tenth day of the month, in the fourteenth year after the

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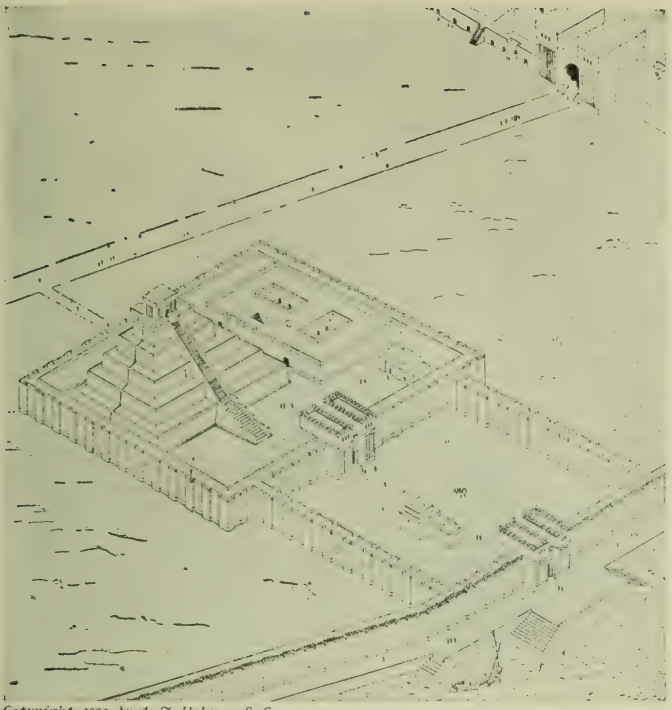
[c] Lev. 17[3] This law of one central sanctuary stands at the beginning of the Holiness Code. A later priestly editor has added clauses here and there to adapt it to its present context, which assumes the point of view of the Wilderness, and is concerned with the tent of meeting.

[d] Lev. 17[7] Lit., *after which they play the harlot.*

Ezekiel's Temple Plan.—Excepting the brief appendix, 29[17-21], this plan of the restored temple and of its service represents Ezekiel's closing work. It is dated in the year 572 B.C., twenty-five years after he was carried a captive to Babylon, and fourteen years after the fall of Jerusalem. The plan reveals at every turn the two great influences that had come into Ezekiel's life. The first was his acquaintance with the structure and institutions of the pre-exilic temple, in close connection with which he, as the son of a priest, had been reared. In his general plan of the temple proper he appears to have followed that of Solomon, cf. § 138, although there are variations in the detailed measurements. The other prominent influence is that of the Babylonian life and civilization amidst which he had lived for twenty-five years. This influence is most evident in the great guarded gateways and thick walls with which he in imagination encircles his sanctuary. Like most of the Babylonian temples, that of Ezek. is, indeed, a small city in itself, with many surrounding edifices for the uses of the priests and the ritual; and all is encircled by high walls which render it an almost invincible fortress. For the general type of oriental temples that he had in mind cf. the opposite page. Thus the prophet, in this concrete way, emphasized the holiness of the God who was to dwell in this sacred citadel, and the necessity of guarding Israel's Holy One from all that was ceremonially defiling. cf. Introd., pp. 37, 38.

The Heb. text of Ezek. 40–48 is exceedingly corrupt. The original descriptions were often obscure; when these were not fully understood, scribal errors were sure to creep in. Mistakes are also especially easy where detailed measurements and similar recurring formulas are common. In many cases the Gk. has undoubtedly preserved better readings. In the description of the temple and its adjuncts the Gk. version differs so widely from the Heb. and is so consistent with itself that it is probable that they each represent independent recensions, and present two distinct plans of the temple. In general the Heb. text has here been followed, except where it is obviously in error and the Gk. in the right. The accompanying plans of the gateways and temple enclosure will facilitate the understanding of the text, cf. p. 164.

[a] 40[1] As in Lev. 25[9] the sacred new year began in the seventh year of the Babylonian or secular calendar, *i. e.*, in September.



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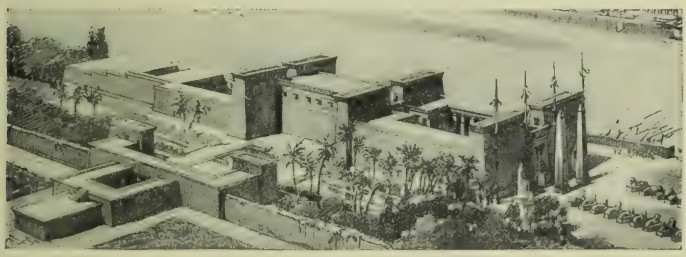
A Babylonian Temple (Nippur)



An Egyptian Temple (Luxor)

Ezekiel's Code

city was taken, on that very day, the hand of Jehovah was laid upon me, and he brought me [2]in an inspired vision[b] to the land of Israel, and set me down upon a very high mountain,[c] on which was a city-like building toward the south.[d] [3]Thither he brought me, and there was a man whose appearance was like the appearance of bronze, with a flaxen line and a measuring reed in his hand; and he was standing in the gateway. [4]And the man said to me, Son of man, behold with thine eyes, and hear with thine ears, and give heed[e] to all that I shall show thee; for, in order that thou shouldst be shown it wert thou brought hither; declare all that thou seest to the house of Israel.

Encircling wall

[5]There was a wall encircling a temple, and in the man's hand a measuring reed six cubits long, each cubit being equal to a cubit and a handbreadth[f] and he measured the thickness of the building, one reed; and the height one reed.

East outer gateway

[6]Then he came to the east gateway and went up its steps and measured the threshold of the gate one reed wide.[g] [7]And each guard-room was one reed long, and one reed broad; and between the guard-rooms were spaces[h] of five cubits; and the threshold of the gate at the vestibule of the gate on the inner side was one reed.[i] [9]Then he measured the vestibule of the gate, eight cubits, and its jambs, two cubits; and the vestibule of the gate was on the inner side. [10]And the guard-rooms of the east gate were three on each side; all three were of the same dimensions; and the posts were on both sides. [11]And he measured the breadth of the entrance to the gateway, ten cubits; and the width[j] of the gate, thirteen cubits; [12]and there was a sill one cubit wide, before the guard-rooms on each side; and the guard-rooms, six cubits on both sides.[k]

Dimensions of the gateway

[13]And he measured the gate from the outer wall of the one guard-room to the outer wall[l] of the other, twenty-five cubits wide; door opposite door. [14]He also measured the vestibule,[m] twenty[n] cubits; and the court reached to the jambs, round about the gateway. [15]And from the front of the gateway at the entrance to the front of the inner vestibule of the gate were fifty cubits.

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[b] 40[1]. [2] Lit., *vision of God*, following the superior Gk. and Syr. The Heb. adds, *thither* at the end of [1] and repeats the verb, probably from [3].

[c] 40[2] Cf. for the same idea, Is. 2[2], Mi. 4[1].

[d] 40[2] Or Gk., *opposite;* but according to 21[2] the prophet came from the north. The temple buildings referred to were also along the southern slope of the temple hill.

[e] 40[4] Heb., *set thy heart upon.*

[f] 40[5] Ezekiel's long cubit was probably about 21 inches. Herodotus (I. 178) states that the royal Babylonian cubit was three digits longer than the ordinary cubit.

[g] 40[6] So Gk. In the Heb. a scribe has by mistake repeated the last clause.

[h] 40[7] These were the niches, three on each side of the passage way, for the guards and Levites, cf. I Kgs. 14[28], II Chr. 12[11].

[i] 40[7] Some Heb. texts add the following gloss which contradicts [9] and is practically unintelligible, *He measured also the vestibule of the gate on the inner side, one reed.* This is not found in the Gk The error is probably due to the fact that the scribe started to copy [9] entire.

[j] 40[11] The Heb. reads, *the length of the gate thirteen cubits*, but this contradicts [15, 21]. Either this is a gloss or else the text should be slightly revised so as to read as above.

[k] 40[12] The meaning possibly is that these barriers or sills before the guard-rooms were six cubits long and one in height and thickness.

[l] 40[13] Following the Gk.

[m] 40[14] Restoring the text as the context demands. The latter part of the vs. is very doubtful and obscure. The Gk. has an entirely different reading.

[n] 40[14] So Gk. Heb., *60*, but the Gk. is supported by the other measurements in the Heb.

Ezekiel's Code

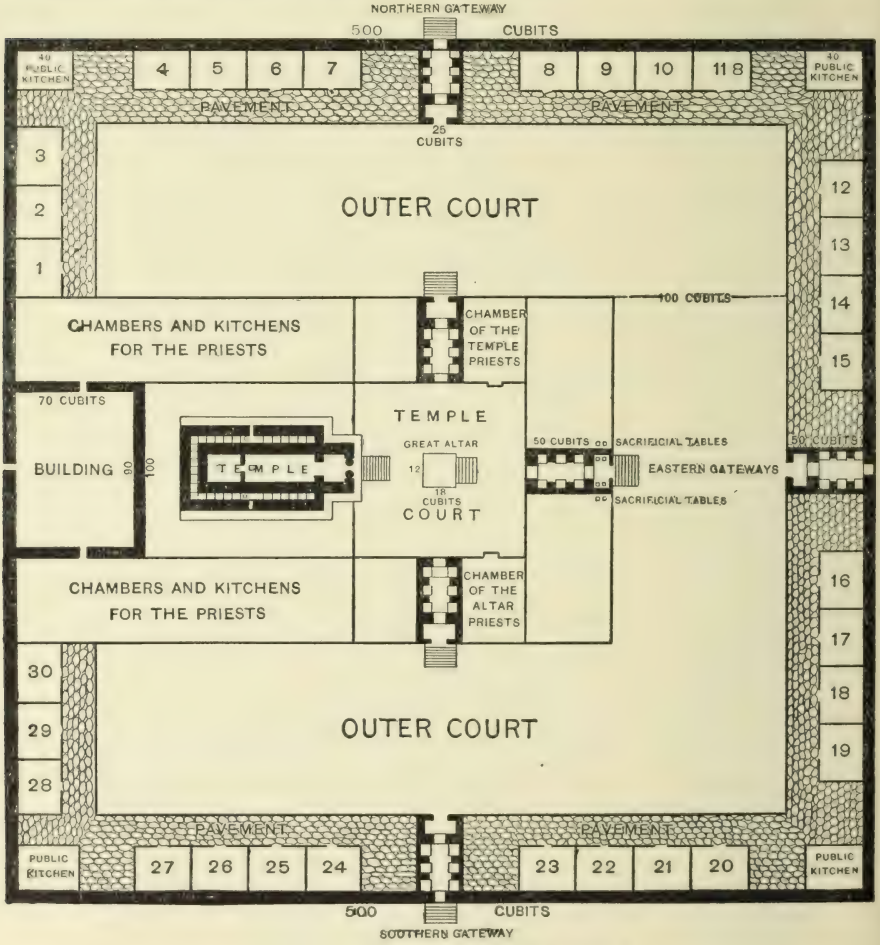
[16]And the guard-rooms and their jambs had windows,[o] within the gate round about, and likewise the vestibule[p] had windows round about within; and on each jamb were palm-trees.

Outer court

[17]Then he brought me into the outer court, and there were chambers and a pavement made round about the court; thirty chambers were upon the pavement. [18]And the pavement was on the side of the gateways; it

[o] 40[16] Or, *latticed*.

[p] 40[16] The Heb. text is corrupt; a scribe has apparently confused the Heb. word for *vestibule* with the similar word for *arch*.



GENERAL PLAN OF EZEKIEL'S TEMPLE

Ezekiel's Code

corresponded to the length of the gateways, that is, the lower pavement. [19]Then he measured the breadth from the front of the lower gate to the front of the inner court without, one hundred cubits on the east and on the north.

North outer gateway

[20]And the north gateway of the outer court, he measured its length and breadth. [21]And there were three guard-rooms on each side; and its jambs and its vestibules[q] corresponded to the measurement of the first gate; its length was fifty cubits, and its breadth twenty cubits. [22]And its windows and its vestibule[q] and its palm trees measured the same as those of the east gate; and seven steps led up to it; its vestibule was within.[r] [23]And there was a gate to the inner court opposite the north gate, corresponding to the one on the east;[s] and he measured from gate to gate one hundred cubits.

South gateway

[24]And he led me toward the south; and he measured its guard-rooms[t] and its jambs and its vestibule; they were of the same dimensions as the others. [25]And there were windows in it and in its vestibule round about corresponding to the other windows; the length was fifty cubits, and the breadth twenty-five cubits. [26]And seven steps led up to it, and its vestibule[u] was within; and it had palm-trees, one on each side of its jambs. [27]And there was a gate to the inner court on the south; and he measured from gate to gate toward the south a hundred cubits.

§ 142. The Inner Court, Ezek. 40[28-47a]

Ezekiel's Code

South inner gateway

Ezek. 40 [28]Then he brought me to the inner court at the south gateway; and he measured the south gateway; it measured the same as the others; [29]its guard-rooms, and posts and vestibule were of the same dimensions as the preceding; and there were windows in it and in its vestibule round about; it was fifty cubits long and twenty-five cubits wide.[v] [31]And its vestibule faced the outer court; and there were palm-trees beside its posts; and the ascent to it had eight steps.

East inner gateway

[32]And he brought me to the east side of the inner court; and he measured the gateway; it measured the same as the others; [33]and its guard-rooms and posts and vestibules were of the same dimensions as the preceding; and there were windows in it and in the vestibule round about; it was fifty cubits long and twenty-five cubits wide. [34]And its vestibule faced the outer court; and there were beside its palm-trees posts, one on each side; and the ascent to it had eight steps.

North inner gateway

[35]Then he brought me to the north gateway; and he measured the gateway; it measured the same as the others. [36]And its guard-rooms and posts and vestibules were of the same dimensions as the preceding; and there were

[q] 40[21, 22] Standard Heb. text, *arches.*
[r] 40[22] So Gk. Heb., *before them.*
[s] 40[23] The Heb. has simply, *to the east.*
[t] 40[24] So Gk. The Heb. omits, *and its guard-rooms.*
[u] 40[26] Translating as in [22].
[v] 40[29] The Gk. omits [30]. A scribe adds in the Heb. different dimensions, *Its vestibule round about was twenty-five cubits long and five cubits wide.* These, however, are impossible.

Ezekiel's Code

windows in it and in the vestibule round about; it was fifty cubits long and twenty-five cubits wide. [37]And its vestibule faced the outer court; and there were beside its palm-trees posts, one on each side; and the ascent to it had eight steps.

Sacrificial tables

[38]And there was a chamber with its opening into the vestibule of the gateway;[w] there they washed the burnt-offering. [39]And in the vestibule of the gateway were two tables on each side, on which were slain the burnt-offerings and the sin-offerings and the guilt-offerings. [40]And outside the entrance to the gateway on the north, were two tables. [41]There were four within and four without the gateway: eight tables, upon which the burnt-offerings were slain. [42]There were also four tables for the burnt-offering, of hewn stone, each a cubit and a half long, and a cubit and a half broad, and a cubit high; on which they laid the instruments wherewith the burnt-offerings and the sacrificial animals were slain, [43]and projections, one handbreadth in length, were fastened within round about. And over the tables were protecting roofs to keep off the rain and the hot sun.[a]

Chambers for the acting priests

[44]He brought me outside the gate and into the inner court, and there were two chambers on the inner court,[b] one by the north gate, facing the south, the other by the south gate facing the north. [45]And he said to me, This chamber, which faces the south, is for the priests, who have charge of the temple; [46]and the chamber which faces the north is for the priests who have charge of the altar; they are the sons of Zadok, those of the sons of Levi who may come near to Jehovah to serve him. [47a]And he measured the court, a hundred cubits wide, and a hundred cubits broad—a perfect square.

§ 143. The Great Altar, Ezek. 40[47b], 43[13-27]

Ezekiel's Code

Dimensions

Ezek. 40 [47b]The altar was in front of the temple. **43** [13]And these are the measurements of the altar in cubits of a cubit and a handbreadth: the base shall be a cubit high, one cubit wide, with a border around its edge about a span wide; and this shall be the height of the altar: [14]from the foundation base[c] to the lower ledge shall be two cubits, and the width one cubit; and from the smaller ledge to the greater ledge shall be four cubits, and the width one cubit. [15]And the altar hearth[d] shall be four cubits high; and above the hearth[e] shall be four horns, one cubit high. [16]And the altar

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[w] 40[38] Following a text slightly corrected by the aid of the Gk. and in accord with the demands of the architectural plan. Heb., *by the posts, the gates.* This chamber was probably one of the niches or guard-rooms. The Heb. reads, *a chamber and its door with jambs at the gateways.* Probably the eastern gateway is the one here intended, although the context suggests the one on the north.

[a] 40[43] So Gk. Heb., *and on the tables was the flesh of the oblation.*

[b] 40[44] So Gk. The Heb. text is exceedingly corrupt. The Heb. also reads, *east,* in the last line instead of *south gate,* as the context strongly demands.

§ 143 The general plan of the great altar was probably modelled closely after that of Solomon and is especially valuable, since for some reason the description of the latter has fallen out of the text of I Kgs. 6. The diagram opposite will suggest the form of Ezekiel's altar.

[c] 43[14] Lit., *base of the earth; of the earth* may be a scribal error. Gk., *from the top of the base.*

[d] 43[15] So Gk., Syr. and Lat.

[e] 43[15] Again following the Gk.

Ezekiel's Code

hearth shall be twelve cubits square. [17]And the ledge shall be fourteen cubits square; and the border about it shall be half a cubit; and the base one cubit wide round about. Its steps shall face the east.

Consecration of the altar

[18]Then he said to me, O man, thus saith the Lord Jehovah: 'These are the regulations for the altar in the day when it is completed, "In order that burnt-offerings may be offered and blood sprinkled on it, [19]thou shalt give[f] to the priests the Levites who are of the family of Zadok, who approach to serve me," saith the Lord Jehovah, "a young bullock as a sin-offering.[g] [20]And they[h] shall take some of its blood, and put it on the four horns, and on the four corners of the ledge, and on the border round about; thus shall they cleanse it and make atonement for it. [21]They shall also take the bullock of the sin-offering, and it shall be burnt in the appointed place outside the temple. [22]And on the second day they shall offer a male goat without blemish as a sin-offering, and shall cleanse the altar, as they cleansed it with the bullock. [23]When they have made an end of cleansing it, they shall offer a young bullock and a ram from the flock without blemish. [24]And they shall present them before Jehovah, and the priests shall sprinkle salt upon them[i] and they shall offer them as a burnt-offering to Jehovah. [25]Seven days shalt thou provide daily a goat as a sin-offering;[j] they shall also provide a young bullock, and a ram from the flock, without blemish. [26]For seven days shall they make atonement for the altar and purify and consecrate it. [27]At the end of these days, on the eighth day and thereafter, the priests shall present your burnt-offerings and your peace-offerings upon the altar;[k] and I will accept you," saith the Lord Jehovah.'

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[f] 43[19] The regular form of the religious commands. The community, not Ezek., is addressed. He himself was one of the Levitical priests to which reference is made.

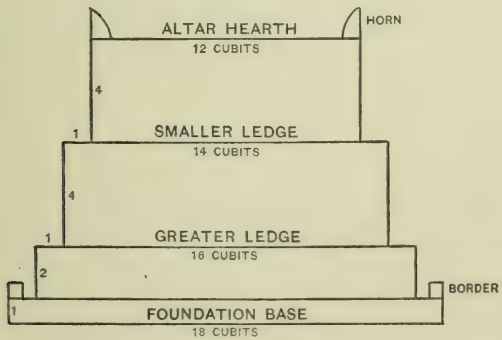
[g] 43[19] The sin-offering, as elsewhere in the priestly laws is not for moral but ceremonial defilement cf. note § 204.

[h] 43[20] So Gk. The Heb. has the second person singular throughout this and the following vss., except in [22, 25]. The Gk. evidently has the original reading and the variations are due to a scribe who was influenced by Ex. 29[36], Lev. 18[11] where the second person singular is used.

[i] 43[24] *I. e.*, the food for the Deity was prepared as an ordinary meal.

[j] 43[25] So the Gk. and the marginal reading of the Heb.

[k] 43[27] Cf. for the similar ceremony in the priestly codes, Ex. 29[10-20] § 162.



§ 144. The Temple Proper, Ezek. 40[48]–41[4, 15b-26]

Ezekiel's Code

Porch

Ezek. 40 [48]Then he brought me to the porch of the temple, and measured the jambs of the porch on each side,[l] five cubits in thickness, and the width of the gate was fourteen cubits and the pillars of the gate were three cubits thick on each side. [49]The dimensions of the porch were twenty by twelve[m] cubits; and the ascent was by ten steps;[n] and there were pillars by the jambs on each side.

Main hall

41 [1]Then he brought me to the hall of the temple and measured the jambs, six cubits broad on each side.[o] [2]And the breadth of the entrance was ten cubits; and the sides of the entrance were five cubits on each side; and he measured its length, forty cubits, and its width, twenty cubits.

Most holy place

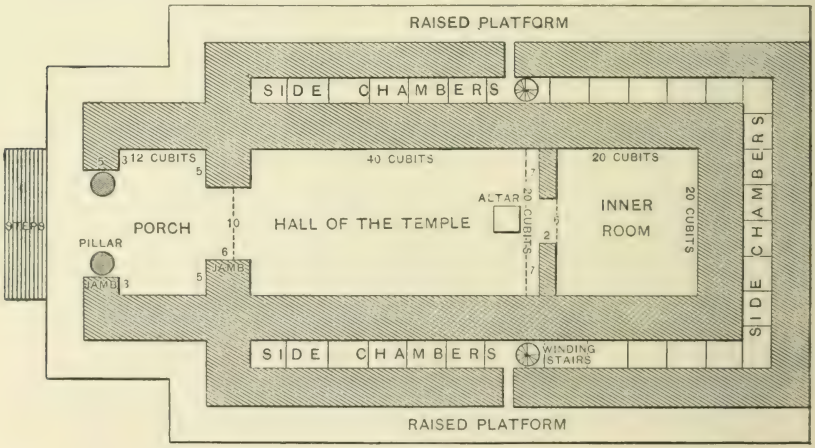
[3]Then went into the inner room and measured the jambs of its entrance, two cubits; and the entrance, six cubits; and the side-walls[p] of the entrance, seven cubits on each side.[q] [4]And he measured its length, twenty cubits, and its breadth, twenty cubits, before the hall of the temple. And he said to me, This is the most holy place.

Interior decorations of the temple

[15b]And the hall of the temple, and the inner room and its porch were paneled,[r] [16]and the windows latticed[s] and covered.[t] And the galleries round about on their three stories, opposite the threshold, were ceiled with wood round about, from the ground up to the windows,[u] [17]and from the

§ 144 Cf. the description and plan of Solomon's temple, § 138. The plan below will indicate the general form of Ezek.'s temple.

[l] 40[48] Following the fuller and obviously better preserved Gk. reading.
[m] 40[49] So Gk. Heb., *eleven.*
[n] 40[49] Again the Gk. has retained the original reading.
[o] 41[1] So Gk. A scribe has added to the Heb., *the breadth of the tabernacle.*
[p] 41[3] So Gk.
[q] 41[3] This last clause is preserved only in the Gk.
[r] 41[15b] Following the Gk. supported by the context.
[s] 41[16] An exceedingly doubtful vs., cf. I Kgs. 6[4, 15], 7[4].
[t] 41[16] Transferring this clause from the end of the vs. where it interrupts the sense.
[u] 41[16] Or, *roof*, changing the text slightly.



Ezekiel's Code

door to the inner room and without. And on all the wall round about within and without were drawings[v] [18]and carved cherubim and palm-trees, there being a palm-tree between every two cherubim. And each cherub had two faces; [19]the face of a man turned toward the palm-tree on the one side, and the face of a young lion turned toward the palm-tree on the other side; they were carved on all the temple round about. [20]From the ground to the top of the door were carved cherubim and palm-trees. The wall of the hall of the temple had[w] [21]pilasters. And before the holy place was something that looked like [22]an altar of wood,[x] three cubits high, and two cubits in thickness and two cubits in width; and its corners, and its base and walls were of wood. And he said to me, This is the table that stands[a] before Jehovah. [23]And the base of the temple and the holy place had two doors. [24]And each door had turning leaves; two for each door. [25]Cherubim and palm-trees were carved on them, as on the walls;[b] and there was a threshold[c] in front of the porch without. [26]And there were closed windows and palm-trees on both sides of the porch; thus were the side-chambers of the temple and the thresholds.

§ 145. The Side-Chambers, Ezek. 41[5-15a]

Ezekiel's Code

Plan and dimensions

Ezek. 41 [5]Then he measured the thickness of the wall of the temple, six cubits; and the width of the side-chambers, four cubits, round about the temple on every side. [6]And the side-chambers were in three stories, one above another, and thirty in each story; and there were abatements all around the walls of the temple that the side-chambers might be fastened to them and not in the walls of the temple. [7]And the side-chambers became wider as they went up higher and higher,[d] for the temple grew narrower higher and higher up round about the temple;[e] and there was an ascent[f] from the lowest story to the highest by the middle story. [8]And I also saw that the temple had a raised platform round about; the foundations of the side-chambers were a full reed in height, that is, six great cubits. [9]The thickness of the outer wall of the side-chambers, was five cubits; and the space left between the side-chambers that belonged to the temple [10]and the outer chambers was twenty[g] cubits wide round about the temple on each side. [11]And the doors of the side-chambers were toward the open space, one door toward

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[v] 41[17] Lit., *measured.*
[w] 41[20] The Heb. repeats, *hall of the temple.*
[x] 41[22] So Gk.
[a] 41[22] Restoring the word demanded by the context and suggested by the Gk.
[b] 41[25] A scribe has added to make the sense clear, *on the doors of the hall of the temple.*
[c] 41[25] The meaning of this word is doubtful; *projecting roof* and *cornice* has been suggested.
[d] 41[7] This vs. is very doubtful. The above translation is based upon two plausible emendations. The idea clearly is that the upper chambers were larger because the outer walls of the temple receded.
[e] 41[7] The Heb. adds, *therefore there was width to the temple above.*
[f] 41[7] Correcting a slight error in the Heb.
[g] 41[10] Or *twenty-five cubits*, cf. [11].

Ezekiel's Code

the north and another door toward the south; and the width of the open space of the platform was five cubits round about.

Dimensions of the western building and temple

[12]And the building that faced the enclosure on the west was seventy cubits wide; and the wall of the building was five cubits thick round about, and its length ninety cubits. [13]So he measured the temple, a hundred cubits long; and the enclosure, and the building, with its walls, a hundred cubits long; [14]also the width of the front of the temple, with the eastern enclosure was one hundred cubits. [15a]And he measured the length of the building in front of the rear enclosure, its galleries on both sides, one hundred cubits.

§ 146. Chambers and Kitchens for the Priests, Ezek. 42[1-14], 46[19-24]

Ezekiel's Code

Plan and dimensions

Ezek. 42 [1]Then he brought me forth into the outer court on the north; and he brought me to the chamber which faced the enclosure and the building on the north. [2]One hundred cubits was its length on the north side,[h] and the width was fifty cubits. [3]Opposite the space of twenty cubits[i] which belonged to the inner court, and the raised platform which belonged to the outer court, was a gallery on each side in three tiers. [4]And in front of the chambers was a passage-way to the inner court, ten cubits wide and one hundred[j] cubits long; and their doors were on the north. [5]The upper chambers were smaller, for the galleries took away from these, more than from the lower and the middle chambers in the building; [6]that is, they were in three stories, and had no pillars like the pillars of the outer courts; therefore the upper was smaller than the lowest and middle chambers. [7]And the outer wall by the side of the chambers along the outer court in front of the chambers was fifty cubits long; [8]that is, the length of the chambers in the outer court was fifty cubits, while in front of it was one hundred cubits. [9]Below these chambers was the entry on the east side, as one approached them from the outer court; [10]at the beginning[k] of the outer wall on the south, in front of the enclosure and the building, were chambers, [11]with the passage-way before them; they were similar[l] to the chambers on the north; of the same length and width, the same exits and arrangements, and with their doors on the south. [12]There was a door at the beginning of the passage-way, directly in front of the wall on the east, as one approached them.

Their use

[13]Then said he to me, the north and south chambers are the sacred chambers, where the priests who approach Jehovah shall eat the most holy things; there they shall deposit the most holy things, the cereal-offering, and the sin-offering, and the guilt-offering, for the place is holy.[m]

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§ 146 Cf. the general plan p. 164. It is impossible to determine definitely from the description just what was the plan and arrangement of these chambers of the priests.

[h] 42[2] Slightly correcting the Heb.

[i] 42[3] Cf. 41[10].

[j] 42[4] So Gk. Heb., *one*.

[k] 42[10] Following a slightly corrected text, cf. [12].

[l] 42[11] Slightly emending the text.

[m] 42[13] The following vs. [14] is evidently a scribal insertion from 44[19].

Ezekiel's Code

Kitchens for the priests and people

46 [19]Then he brought me through the entry, which was at the side of the gate, into the priests' sacred chamber on the north; and there was a place on the extreme western side. [20]And he said to me, This is the place where the priests shall boil the guilt-offering and the sin-offering, and bake the cereal-offering, so as not to bring them out into the outer court, thereby making the people sacred.[n] [21]Then he brought me into the outer court, and made me pass by the four corners of the court; and there in each corner of the court was a court. [22]In the four corners of the court there were small[o] courts forty cubits long and thirty cubits wide; these four in the corners were of the same size. [23]And there was a row of stones[p] round about each of the four, and places for boiling were constructed beneath the row of stones round about. [24]Then he said to me, These are the houses where the ministers of the temple shall boil the sacrifice of the people.

§ 147. Sanctity of the Temple and Land Consecrated by Jehovah's Presence, Ezek. 42[15]–43[12]

Ezekiel's Code

Total area of the temple precincts

Ezek. 42 [15]Having finished the measurement of the inner temple he brought me by way of the east gate, and measured it round about. [16]He measured on the east side five hundred cubits,[q] with the measuring reed round about. [17]He measured on the north side five hundred cubits[r] by the measuring reed round about. [18]He measured on the south side five hundred cubits by the measuring reed. [19]Then he turned to the west side and measured five hundred cubits by the measuring reed. [20]He measured it on the four sides; and[s] it had a wall round about, five hundred cubits in length and five hundred cubits in width, to separate between the sacred and the common.

Vision of Jehovah

43 [1]Then he brought me to the east gate. [2]And behold the glory of the God of Israel came from the east; and his voice was like the sound of many waters; and the earth shone with his glory. [3]And the vision which I saw was like[t] that which I saw when he[u] came to destroy the city; and the visions were like that which I saw by the River Chebar; and I fell on my face. [4]Then the glory of Jehovah came into the temple by the east gate. [5]And the Spirit took me up, and brought me into the inner court; and, behold, the glory of Jehovah filled the temple.

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[n] 46[20] The belief that contact with sacred things rendered those touched also sacred and therefore unfit for certain ordinary occupations was one of the fundamental beliefs of Semitic antiquity, cf. 42[1-13], 44[19], Lev. 6[18, 27].

[o] 46[22] So Gk. and Syr. The Heb. text is doubtful; possibly it may be rendered *inclosed*.

[p] 46[23] Or possibly, *colonnade*.

§ 147 This section reveals the religious purpose which actuated Ezek. in developing this elaborate description of the temple.

[q] 42[15] So Gk. Heb., *reeds*.

[r] 42[17] Heb., *reeds*, but this is clearly due to a scribal error, cf. the plan and the data in 40[13, 15, 19, 33, 47]. The same error is repeated in [18, 19].

[s] 42[20] So Gk. and Syr. The Heb. omits the *and*.

[t] 43[3] Following the Gk.

[u] 43[3] Heb., *I*, but the context demands *he*, cf. 1 and 10.

Ezekiel's Code

Temple sanctified by Jehovah's presence

[6]Then I heard one speaking to me from the temple, as One stood by me. [7]And he said to me, O man, this is the place of my throne, and the place for the soles of my feet, where I will dwell in the midst of the Israelites forever. And the house of Israel, they and their kings, shall no more defile my holy name[v] with their idolatry[w] and with the corpses of their kings [8]by placing their thresholds by my threshold, and their door-posts beside my door-post, with only a wall between me and them, thus defiling my holy name by the abominations which they have committed; therefore I have destroyed them in mine anger. [9]Now let them put away their idolatry, and the corpses of their kings, far from me, that I may dwell in the midst of them forever.

Ezekiel's commission

[10]Do thou, O man, show the house of Israel the temple, its appearance and its pattern,[x] [11]that they may be ashamed of all that they have done, describe to them the temple and its construction, its exits and its entrances and its form, and make known to them all its ordinances and laws; and write it down in their sight, that they may take heed to perform all its forms and ordinances. [12]This is the law of the temple: on the top of the mountain its whole territory shall be sacred. Behold, this is the law of the temple.

B

Sacred Officials

I

IN THE PRE-EXILIC HEBREW STATE

§ 148. Call of the Tribe of Levi, Ex. 32[25-29], Dt. 10[8]

Primitive Codes

Zeal of the Levites and its reward

Ex. 32 [25]Now when Moses saw that the people had thrown off all restraint (since Aaron had given them the reins, to become an object of derision

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[v] 43[7] The Heb. adds, *in the high place.*

[w] 43[7] Heb., *whoredom.*

[x] 43[10, 11] Reconstructing the obviously corrupt Heb. with the aid of the Gk.

Sacred Officials in the Pre-exilic Hebrew State.—According to the most primitive Semitic thought and usage the head of the family was also its priest. As society became more complex, the chief priest of the tribe was the sheik, and of the nation the king. Thus the earliest rulers of the city states of ancient Babylonia and Assyria were still the heads of the national religion, and as such were subject to certain ceremonial restrictions, as for example the refraining from certain acts on the seventh day. Among the Egyptians, the Ethiopians and the Sabeans the king was also the chief priest of the nation. Many of the more modern illustrations of the same institution might be cited; the Mikado of Japan is perhaps the most familiar example.

The original idea underlying these wide-spread institutions seems to have been that the god or gods chose certain men to represent them. The archaic Babylonian sign for king pictures the hand of the god resting upon the head of the man thus chosen and commissioned.

Primitive Codes

among their enemies), [26]Moses stood in the gate of the camp and said, Whoever belongeth to Jehovah, come to me. And all the sons of Levi came together to him. [27]Then he said to them, Thus saith Jehovah the God of Israel, 'Let each man gird his sword on his thigh, and pass back and forth from gate to gate in the camp, and let each man kill his brother, and each man his friend, and each man his kinsman.' [28]And the sons of Levi did according to the injunction of Moses, and there fell of the people that day about three thousand men. [29]And Moses said, Consecrate yourselves to-day to the service of Jehovah (for every man was against his son and against his brother) that he may now bestow a blessing upon you.

Sometimes the primitive priest-king was conceived of as related to the gods; sometimes the bond or kinship was thought of as established by contact with the blood of the sacrificial animal which he slew in behalf of the tribe or nation. The same rite of anointing with oil (probably symbolizing the fat of the sacrifice) was employed in consecrating both king and priest. Thus the idea of the Messiah, the anointed, who represented both the god and the nation, was innate in earlier Semitic thought.

Hebrew history furnishes many suggestions regarding the origin of the priesthood. Even down to the days of the exile, the head of the family performed the sacrifice, cf. § 140. Gideon offers a burnt-offering on the altar which he rears, Judg. 6[26]. Saul on the battle-field builds an altar on which the warriors slay their booty, I Sam. 14[34, 35]. Only the stricter ceremonialism of a later age condemned his offering a burnt-offering on the eve of battle, I Sam. 10[9]. King Solomon sacrificed as the chief priest of the nation at the dedication of the temple, I Kgs. 8[5, 62-64]. Three times each year he also offered the sacrifice in behalf of the nation, I Kgs. 9[25].

In time, however, the ceremonial and other restrictions placed upon the chief priest of the nation limited the free exercise of the kingly functions. Among some early peoples the chief ruler was shorn of all real military and civil power, and became only the head of the national cult. Other kings, like David and Solomon, appointed certain royal priests and conferred upon them the priestly functions which originally belonged to the head of the nation. Priests like Zadok, and those appointed by Jeroboam I of Northern Israel at the royal sanctuaries of Dan and Bethel, were officers of the king and undoubtedly at first were supported by royal revenues. Thus arose in Israel, as among other Semitic peoples, the distinct class of priests whose duty it was to attend to the details of the sacrificial ritual.

§ 148 The origin and functions of the sons of Levi appear to have been somewhat similar and yet different from those of the priests of the royal sanctuaries. The references to the sons of Levi in the earliest sources are unfortunately rare. The ancient oracle in Gen. 49[5-7] speaks in condemnation of some act of vengeance committed by them, because *their anger was fierce and their wrath cruel.* The consequence was that *they were divided in Jacob and scattered in Israel.*

The act thus indicated is probably the basis of the story in Gen. 34, cf. Vol. I § 41. As in Gen. 49, the sons of Simeon are associated with those of Levi. The deed which elicited the rebuke attributed to Jacob, 34[30], was their pitiless zeal in slaying the Canaanites with whom their clansmen had just made a close alliance. Their motive was probably that *jealousy for Jehovah,* which would tolerate no alliances with heathen peoples—the same jealousy that inspired Elijah in later times. A similar spirit is revealed in the Northern Israelitish account of their bloody zeal in slaying their idolatrous kinsmen, cf. above. The story comes from a period when the prophetic conscience had been aroused to condemn the golden calves, long regarded as legitimate by the Northern Israelites; but it is only one of several illustrations of their devotion to the religion of Jehovah. This zeal was probably derived from their great clansman Moses. It naturally explains why they early suffered such a great disaster at the hands of the incensed Canaanites that the few who survived were scattered and went forth to find homes and a precarious existence among the other Hebrew tribes. Their jealousy for Jehovah, their relationship to the great leader Moses, and the fact that they had no tribal home nor unity also furnish a probable explanation of why they early became attached to the various shrines throughout the land of Israel.

The ancient story in Judg. 17 and 18 furnishes a vivid and almost contemporary picture of this process. Micah the Ephraimite, having established a family sanctuary with ephod and oracle, first appointed his son as its priest. But when a wandering Levite came by chance from Bethlehem in Judah, Micah at once engaged him, by the payment of a definite sum each year, to stay and *be a father and priest* to the Ephraimite household, 17[10]. Later the Danites stole the priest and paraphernalia of the shrine and so this Levite, Jonathan the grandson of Moses, 18[30], became the head of the priesthood of the famous sanctuary at Dan.

Thus it would appear that in this natural way the sons of Levi, the scattered clansmen of Moses, became the guardians of many of Jehovah's oracles and local shrines. It was also natural that in time the title, *son of Levi,* should be applied to all who belong to this class, whatever may have been their ancestry, so that like the terms, *sons of the prophets* or *sons of Korah,* it simply designated the members of a caste or guild.

Deuteronomic Codes

Consecration of the Levites

Dt. 10 [8]At that time[a] Jehovah set apart the tribe of Levi, to bear the ark of the covenant of Jehovah, to stand before Jehovah to minister to him,[b] and to bless in his name, even to the present day.

§ 149. Duties of the Sons of Levi, Dt. $33^{8a, 10}$, 21^{5b} [18^{5}], 17^{8-13}, [$31^{25, 26}$], 24^{8}, 26^{1-4}, 20^{2-4}

Primitive Codes

To render decisions and offer sacrifices

Dt. 33 [8a]Of Levi Moses said,

Thy Thummim and thy Urim[c] are for thy holy one.[d]
[10]They show Jacob thy judgments, *O Jehovah*,
And Israel thy instruction,
They bring to thy nostrils the savor of sacrifice,
And whole burnt-offering to thine altar.

Deuteronomic Codes

To act as temple ministers

Dt. 21 [5b]Jehovah thy God hath chosen the priests the sons of Levi to minister to him, and to bless in the name of Jehovah. And according to their sentence shall every dispute and case of assault[e] be decided.

To act as judges in the court of final appeal

17 [8]If a case involving bloodshed or conflicting claims, or the plague of leprosy[f]—subjects of dispute within thine own city—be too difficult for thee to decide, then thou shalt set out and go up to the place which Jehovah thy God shall choose; [9]and thou shalt come to the Levitical priests, and the judge who shall be in office in those days;[g] and thou shalt inquire, and they shall make known to thee the judicial decision. [10]And thou shalt act according to the tenor of the sentence, that they shall make known to thee from the place which Jehovah shall choose; and thou shalt do exactly as they direct thee: [11]according to the tenor of the instruction which they give thee,

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[a] Dt. 10^{8} This vs. originally once followed [5], which tells of Moses' descent from Horeb with the ten words. It implies the incident recorded in Ex. 20^{25-29} and possibly a fuller account, now lost, of the call of the tribe of Levi at that time, cf. also 18^{5}.

[b] Dt. 10^{8} *I. e.*, to serve as priests, cf. I Sam. 16^{21}.

§ 149 The story of the young Levite, who was employed by Micah the Ephraimite, Judg. 17, 18, as well as the references in I Sam. to the activity of Eli and his sons, would seem to indicate that originally the sons of Levi were simply the guardians of the sacred objects like the ark and the Urim and Thummim and, later, of the local shrines; and that the sacrifices were slain by the individual offerers or by the heads of the family or tribe, or by a seer like Samuel, I Sam. 9^{13}. As guardians of the sacred objects, the Levites also became the interpreters of the divine oracles and therefore judges. Their functions thus appear from the first to have been somewhat different from those of the sons of Zadok to whom Solomon in time delegated his rights and duties as chief priest of the nation; although in early times the distinction between the seer and Levite and royal priest were not very clearly defined.

[c] Dt. 33^{8a} The meaning of the vs. is obscure. The *Thummim and Urim*, always written elsewhere *Urim and Thummim*, Ex. 28^{30}, Lev. 8^{8}, Ezra 2^{63} and I Sam. 14^{41} were used in determining the lot. The two words apparently mean, *perfections and lights*. What the objects were and how they were used is only a matter of conjecture. From I Sam. $14^{41, 42}$, it may perhaps be inferred that they were stones and that the way they fell decided the lot.

[d] Dt. 33^{8a} The reference appears to be to the tribe of Levi and their fidelity, possibly at the occasion recorded in Ex. 32^{25-29}, although the subsequent context has led some scholars to maintain that Moses is intended.

[e] Dt. 21^{5} Lit., *stroke*. This statement is interjected into the midst of the law regarding an undetected murder, in the ceremonial purification of which the Levitical priests also participate.

[f] Dt. 17^{8} Lit., *If there arise a case too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke.*

[g] Dt. 17^{9} Cf. note § 47.

Deuteronomic Codes

and according to the decision which they shall impart to thee, shalt thou do, without departing from the sentence which they shall make known to thee, either to the right or to the left. [12]But should a man be so presumptuous as not to heed the decision of the priest who standeth there before Jehovah thy God, or of the judge, that man shall die; thus thou shalt put away the evil from Israel, [13]in order that all the people may heed and fear, and never again act presumptuously.

To take charge of cases of leprosy

24 [8]Guard carefully against the plague of leprosy in that thou faithfully observe and follow all the directions which the Levitical priests give you. According to the commands which I gave them shall ye carefully do.

To present the first fruits to Jehovah

26 [1]When thou shalt come into the land which Jehovah thy God is about to give thee as an inheritance, and shalt possess it, and dwell therein, [2]thou shalt take a part of the first of all the fruit of the ground, which thou shalt bring in from thy land that Jehovah thy God giveth thee; and thou shalt put it in a basket, and thou shalt go to the place in which Jehovah thy God shall choose to have his name dwell. [3]And thou shalt come to the priest who shall be officiating in those days, and say to him, I declare this day to Jehovah thy God, that I have come to the land which Jehovah promised by oath to our fathers to give us. [4]Then the priest shall take the basket out of thy hand, and set it down before the altar of Jehovah thy God.

To encourage the people on the eve of battle

20 [2]When ye draw near to offer battle, the priest[h] shall approach and speak to the people [3]and say to them, Hear O Israel, ye are drawing near this day to fight against your enemies; do not lose heart, fear not, nor tremble, neither be afraid because of them; [4]for Jehovah your God is going with you to fight for you against your enemies in order to deliver you.

§ 150. Prohibition Against the Levites Holding Property, Dt. 18[1a, b, 2] [10[3]]

Deuteronomic Codes

No inheritance

Dt. 18 [1a, b]The Levitical priests, even all the tribe of Levi, shall have no portion nor inheritance with Israel. [2]And they shall have no inheritance among their kinsmen; Jehovah is their inheritance, as he hath declared to them.[i]

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[h] Dt. 20[2] As has already been noted, § 42, war was regarded by the Hebrews as a sacrament. Sacrifices were also offered before the battle, I Sam. 7[9, 10], 13[9, 10]. The common idiom for declaring war was to *consecrate a war*, Is. 13[3], Mi. 3[5], Jer. 6[4], 22[7]. The presence of the priests is therefore assured, although the present custom is mentioned nowhere else.

§ 150 This law was doubtless intended to anticipate exactions by the priestly judges and to prevent the alienation of temple property for private ends.

[i] Dt. 18[2] The passage here referred to is not found in the O.T. although the same idea is repeatedly expressed, cf. Josh. 13[14, 33], 18[7], Nu. 18[10b], Ezek. 44[28].

§ 151. Means of Support of the Sons of Levi, Dt. 18[1a, c. 3-8], 14[22, 23, 27], 12[19], 16[10-14], 14[28, 29] [12[11, 12, 17, 18]]

Deuteronomic Codes

Certain parts of the offerings

Dt. 18 [1a, c]The Levitical priests, even all the tribe of Levi, shall eat the offerings made by fire to Jehovah,[j] and of that which belongeth to him. [3]And this shall be the priests' due from the people, from those who offer a sacrifice whether it be ox or sheep: they shall give to the priests the shoulder and the two cheeks and the stomach. [4]The firstfruits of thy grain, of thy new wine, and of thine oil, and the first of the fleece of thy sheep thou shalt give him; [5]for Jehovah thy God hath chosen him and his sons out of all thy tribes, to stand to minister in the name of Jehovah forever.

Rights of priests from local sanctuaries

[6]And if a Levite cometh from any of thy towns[k] in all Israel, where he resideth, and cometh with a whole-hearted desire[l] to the place which Jehovah shall choose; [7]then he shall minister in the name of Jehovah his God, as do all his brethren the Levites, who serve Jehovah there. [8]They shall have like portions to eat,[m] besides that which cometh from the sale of his patrimony.

Portions of the annual tithe

14 [22]Of all the produce of thy seed thou shalt take a tenth of all that groweth in the field each year; [23]and before Jehovah thy God, in the place in which he shall choose to have his name dwell thou shalt eat the tithe of thy grain, of thy new wine, and of thine oil, and of the first-born of thy herd and of thy flock; that thou mayst learn to fear Jehovah thy God always. [27]Also thou shalt not forget the Levite who dwelleth within thy town, for he hath no portion nor inheritance with thee. **12** [19]Take heed not to forget the Levite as long as thou livest in thy land.

A share in the feast of weeks

16 [10]Thou shalt keep the feast of weeks to Jehovah thy God according to the measure of the voluntary offerings which thy hand shall present in proportion as Jehovah thy God hath blessed thee. [11]Thou and thy son and thy daughter, thy male and female slaves, and the Levite who dwelleth in thy town, and the resident alien, the fatherless and the widow, who live with thee, shall rejoice before Jehovah, in the place where Jehovah thy God shall choose to have his name dwell. [12]And thou shalt remember that thou wast a bondman in Egypt; and thou shalt observe and do these statutes.

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§ 151 The income of the pre-exilic Levitical priests appears to have been very precarious, depending upon the wealth and importance of the shrine with which they were connected, and the generosity of the individual offerers. Dt. 18[8] implies that certain of them had family possessions, but the passage is not entirely clear, and it is definitely stated elsewhere that the Levites were to have no inheritance, § 160. They are repeatedly classed with the resident alien, the fatherless, and the widow. As their numbers increased, their necessities probably compelled some of them to take up other occupations. In the Jewish community which Nehemiah found in Palestine, still living under the Deuteronomic law, the Levites had not received their portions and had gone to work in the fields, Neh. 13[10]. It was the uncertainty, however, and their inability to collect their dues, rather than the insufficiency, which made the support of the pre-exilic priests so unsatisfactory.

[j] Dt. 18[1] *I. e.*, all offerings, a part of which was burnt as Jehovah's portion. The term occurs sixty-two times in the priestly and only once in the Deuteronomic codes.

[k] Dt. 18[6] Lit., *gates.*

[l] Dt. 18[6] Lit., *with all the desire of his soul.*

[m] Dt. 18[6-8] This provision was for the ministers of the ancient shrines, outside Jerusalem, which had been declared illegal by the Deuteronomic law. Second Kgs. 23[8] states that Josiah destroyed all these high places in Judah and brought their priests to Jerusalem. Vs. [9] adds, however, that *the priests of the high places did not come up to the altar of Jehovah in Jerusalem, but ate unleavened bread among their kinsmen.*

Deuteronomic Codes

[13]Thou shalt keep the feast of tabernacles seven days, after thou hast gathered in the output of thy threshing-floor and thy wine-press. [14]And thou shalt rejoice in thy feast, together with thy son and thy daughter, and thy male and female slaves, and the Levite, the resident alien, the fatherless, and the widow who live with thee. In the feast of tabernacles

14 [28]At the end of every three years thou shalt bring out all the tithe of thine increase in that year and shalt deposit it within thy city, [29]that the Levite, because he hath no portion nor inheritance with thee, and the resident alien, the fatherless, and the widow, who are in thy city, may come, and eat and be satisfied in order that Jehovah thy God may bless thee in all the work to which thou puttest thy hand. Part of the triennial tithe

§ 152. Slaves of the Sanctuary, Josh. 9[26, 27]

Primitive Codes

Josh. 9 [26]Joshua saved the Gibeonites from the hand of the Israelites so that they did not slay them. [27]And Joshua made them at that time hewers of wood and drawers of water, for the congregation, and for the altar of Jehovah (as they are to this day) in the place which he should choose. Fate of the Gibeonites

C

SACRED OFFICIALS IN EZEKIEL'S HIERARCHY

§ 153. Duties of the Levites and Priests, Ezek. 44

Ezekiel's Code

Ezek. 44 [1]Then he took me back to the outer eastern gate of the sanctuary, and it was closed. [2]Then he[a] said to me, This gate shall remain closed; it shall not be opened, and none shall enter by it; for Jehovah the God of Israel hath entered by it, therefore it shall remain closed. [3]As for the prince he may sit therein[b] to eat bread in the presence of Jehovah; he shall enter by the vestibule of the gate, and by the same way shall he go out. Sanctity of the eastern gate

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§ 152 Captives of war were in ancient times dedicated to the Deity in gratitude for the victories gained. Upon them fell the menial services in the sanctuaries. In Babylon and Egypt they also cultivated the lands or herded the flocks belonging to the temples. The Chronicler in his list of the returned refers to a class called the *nethinim* or temple slaves. Ezek., however, reversed the ancient usage, cf. § 153. For the setting of the above passage from Josh. cf. Vol. I, § 113.

§ 153 Ezekiel not only adopts many of the existing regulations regarding the priesthood, but he also introduces not a few innovations which reappear in the later priestly codes. He provides that the foreign slaves be kept out of the sanctuary. Their former duties he assigns to the Levites, who had ministered before Josiah's reformation at the high places outside Jerusalem. He knows nothing about the sons of Aaron, but he distinctly stipulates that the sons of Zadok, the Levitical priests of the Jerusalem temple, shall perform the more important acts of sacrifice.

Ezekiel also defines more rigorously the ceremonial limitations of the priesthood and directs that they have an increased and definite portion of the offering. Thus at every point his enactments mark the transition from the earlier Deuteronomic to the more complex later priestly regulations.

[a] 44[2] The Heb. adds, *Jehovah.*

[b] 44[3] So Gk., Syr., and Lat. The Heb. repeats, *prince.*

Ezekiel's Code

Of the entire temple

4Then he took me by way of the north gate to the front of the temple; and I looked and behold, the glory of Jehovah filled the temple. And I fell on my face. 5And Jehovah said to me, O man, give heed, see with thine eyes and hear with thine ears all that I tell thee regarding the regulations of the temple of Jehovah and all its laws,[c] and observe carefully how to enter the temple by all of the exits of the sanctuary. 6Say to the rebellious, even to the house of Israel, 'Thus saith the Lord Jehovah, "Enough of all your abominations, O house of Israel, 7in that ye have brought foreigners, neither consecrated in heart nor flesh,[d] to be in my sanctuary to profane it,[e] when ye offered me bread, fat and blood; thus ye[f] have broken my covenant, with[g] all your abominations! 8And ye have not taken charge of my holy things but ye have set them as keepers[h] in charge of my sanctuary."'

Duties of the Levitical priests from the ancient sanctuaries

9Therefore thus saith the Lord Jehovah, 'No foreigner, consecrated neither in heart nor flesh,[i] of all the foreigners who are among the Israelites, shall enter my sanctuary. 10But those Levites who went far from me, when Israel went astray, who went astray from me after their idols,[j] shall bear their guilt. 11Yet they shall be ministers in my sanctuary, having oversight at the gates of the temple, and ministering in the temple, they shall slay the burnt-offering and the sacrifice for the people, and they shall stand before them and minister to them. 12Since they were wont to minister to them before their idols, and were a stumbling-block of iniquity to the house of Israel; therefore I have taken a solemn oath[k] against them,' is the oracle of the Lord Jehovah, 'and they shall bear their guilt. 13And they shall not approach me to act as priests to me, so as to come near any of my sacred things, or to those which are most sacred; but they shall bear their shame and the punishment for the abominations which they have committed; 14I will make them responsible for the care of the temple, for all its service, and for all that shall be done therein.

Duties of the sons of Zadok

15But the priests the Levites, the sons of Zadok,[l] who took charge of my sanctuary when the Israelites went astray from me, shall come near to me to minister to me, and they shall stand before me to offer to me fat and blood,' is the oracle of the Lord Jehovah. 16'They shall enter my sanctuary, and they shall approach near to my table to minister to me, and they shall keep my charge. 17When they enter the gates of the inner court, they shall wear linen garments, but they shall have on no wool while they are officiating in the gates of the inner court and in the temple.[m] 18They shall have linen

[c] 44⁵ *I. e.*, the proper rules for entering the temple with offerings.
[d] 44⁷ Lit., *uncircumcised, i. e.*, with no true religion.
[e] 44⁷ The Heb. adds, but the Gk. omits, *my temple.*
[f] 44⁷ So Gk., Syr. and Lat. Heb., *they.*
[g] 44⁷ So Gk. Heb., *to.*
[h] 44⁸ So Gk. The reference is to foreign attendants at the pre-exilic temple, cf. § 152, Ezra 8²⁰, Neh. 7⁶⁰.
[i] 44⁹ This is the prototype of the Greek tablet found on the temple arch in 1870 by M. Clermont-Ganneau, which reads, *No stranger shall come within the balustrade and enclosure around the temple; whoever is caught will be himself responsible for his death, which will follow.*
[j] 44¹⁰ *I. e.*, the priests of the local shrines outside Jerusalem.
[k] 44¹² Lit., *lifted up my hand* (in taking the oath).
[l] 44¹⁵ The Zadok who succeeded Abiathar as the head of the Jerusalem priesthood in the days of Solomon, I Kgs. 2²⁷. ³⁵.
[m] 44¹⁷ Slightly correcting the Heb.

Ezekiel's Code

turbans upon their heads and linen breeches on their loins; they shall not gird themselves with anything that causeth sweat.[n] [19]But when they go forth to the outer court to the people,[o] they shall put off the garments in which they were officiating, and lay them in the sacred chambers; and they shall put on other garments, that they may not sanctify the people[p] with their garments. [20]Neither shall they shave their heads, nor suffer their hair to grow long; they shall cut off their hair. [21]None of the priests shall drink wine, when they enter the inner court. [22]Neither shall they marry a widow nor a divorced woman, but only Israelitish virgins or the widow of a priest.

As guardians of the laws and ritual

[23]And they shall teach my people the difference between the sacred and the common, and instruct them how to discern between the unclean and the clean. [24]And in a controversy they shall act as judges, judging it according to my ordinances. And they shall keep my laws and my statutes in all my appointed feasts; and they shall maintain the sanctity of my sabbaths.

Ceremonial purity

[25]And they shall not approach a dead person to defile themselves; except in the case of a father, or a mother, or a son, or a daughter, or brother, or unmarried sister.[q] [26]And after his defilement,[r] a priest shall be given seven days. [27]And on the day that he goeth into the inner court,[s] to minister in the sanctuary, he shall offer his sin-offering,' is the oracle of the Lord Jehovah.

Means of support

[28]And they shall have no[t] inheritance; I am their inheritance; and ye shall give them no possession in Israel; I am their possession. [29]They shall eat the cereal-offering, and the sin-offering, and the guilt-offering; and every devoted thing[u] in Israel shall be theirs. [30]And the best of all the firstfruits of every thing, and every contribution of every thing, of all your contributions, shall belong to the priest; ye shall also give to the priests the best of your dough, that a blessing may rest on thy household. [31]The priests shall not eat of any thing that dieth a natural death or hath been mangled, whether it be bird or beast.

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[n] 44[18] This last clause may be secondary. The meaning of the Heb. is not certain.
[o] 44[19] So Gk. The Heb. repeats, *to the court.*
[p] 44[19] The idea that sanctity, as well as ceremonial uncleanness, could be communicated by contact was firmly fixed in the Heb. mind. Cf. Lev. 6[18, 27], Josh 7[12].
[q] 44[25] The reason was probably to prevent interruptions in the sacrificial service.
[r] 44[26] So Syr. In the Heb. a scribe has confused two similar words, so that the vs. now begins, *after he is cleansed.*
[s] 44[27] So Gk. A Heb. scribe has added by mistake, *into the sanctuary.*
[t] 44[28] So Lat. and the demands of the context. The negative has been lost in the Heb.
[u] 44[29] *I. e.*, those things placed under the ban or dedicated to Jehovah.

§ 154. Duties of the Princes, Ezek. 45⁹⁻¹⁷, ²¹⁻²⁵, 46¹⁻¹⁵

Ezekiel's Code

To regulate weights and measures

Ezek. 45 ⁹Thus saith the Lord Jehovah, Enough, O princes of Israel! Put away violence and oppression, and practice justice and righteousness! Free my people from your robberies, is the oracle of the Lord Jehovah. ¹⁰Ye shall have just balances, and a just ephah, and a just bath. ¹¹The ephah[v] and the bath[w] shall be of one measure; the bath shall contain the tenth part of a homer, and the ephah the tenth part of a homer; the homer shall be the standard of measurement. ¹²And the shekel shall be twenty gerahs; five shekels shall be valued as five shekels[x], and ten as ten, and your maneh shall be fifty shekels.

To provide material for sacrifices

¹³This is the contribution that ye shall offer: the sixth part of an ephah out of every homer of wheat; and ye shall give the sixth part of an ephah out of every homer of barley; ¹⁴and the fixed proportion of oil,[a] shall be the tenth part of a bath out of every cor, the cor being ten baths;[b] ¹⁵and one lamb out of a flock of two hundred, from all the families[c] of Israel, as a cereal-offering, and a burnt-offering, and peace-offerings, to make atonement for them, saith the Lord Jehovah. ¹⁶All the people of the land shall contribute to this special gift for the prince in Israel. ¹⁷And it shall be the prince's part to give the burnt-offerings, and the cereal-offerings, and the libations at the feasts, and on the new moons, and on the sabbaths, at all the feast days of the house of Israel: he shall prepare the sin-offering, and the cereal-offering, and the burnt-offering, and the peace-offerings, to make atonement for the house of Israel.

Also for the stated offerings

²¹In the first month, on the fourteenth day of the month, ye shall observe the feast[d] of the passover; seven days unleavened bread shall be eaten. ²²On that day the prince shall provide for himself and for all the people of the land a bullock as a sin-offering; ²³and during the seven days of the feast he shall provide a burnt-offering for Jehovah, seven bullocks and seven rams without blemish; and a male goat daily as a sin-offering. ²⁴And he shall provide a cereal-offering, an ephah to a bullock, and an ephah to a ram, and of oil a hin to an ephah. ²⁵In the seventh month, on the fifteenth day of the month, at the feast, shall he do the same during the seven days, for the sin-offering, the burnt-offering, the cereal-offering, and for the oil.

Offerings for the sabbaths

46 ¹Thus saith the Lord Jehovah, The east gate of the inner court shall be shut during the six working days; but on the sabbath day, and on the day of the new moon it shall be open. ²And the prince shall enter from

§ 154 The Exile, as a matter of fact, and Ezek. by formal enactment reversed the relations between the priesthood and monarchy, so that the Jerusalem priests were no longer merely appendages of the royal court, but the central figures in the state; the chief functions of the prince was simply to provide certain stated offerings in the temple service.

[v] 45¹¹ This was a dry measure and contained about 36 or 37 litres, cf. Appendix IX.
[w] 45¹¹ The bath was a liquid measure, and contained about 8 gallons or 36 or 37 litres.
[x] 45¹¹ So Gk. A
[a] 45¹⁴ A scribe has added from Dt. 14, *of the bath of oil.*
[b] 45¹⁴ So Gk. The Heb. adds, *a homer, for ten baths are a homer.*
[c] 45¹⁵ So Gk. Heb., *from the well-watered.*
[d] 45²¹ Transferring the word, *feast*, and slightly correcting the Heb.

Ezekiel's Code

without by the vestibule of the gate, and shall stand by the door-post of the gate; and the priests shall prepare his burnt-offering and his peace-offerings, and he shall worship at the threshold of the gate, and then go out; but the gate shall not be shut until evening. [3]And the people of the land shall worship at the door of that gate before Jehovah on the sabbaths and on the new moons. [4]And the burnt-offering which the prince shall offer to Jehovah on the sabbath day shall be six lambs without blemish and one ram without blemish; [5]the cereal-offering being an ephah to a ram, and for the lambs as he is able to give, and of oil a hin to an ephah.

For the new moon

[6]And on the day of the new moon it shall be a young bullock without blemish and six lambs, and a ram, without blemish; [7]and he shall prepare a cereal-offering, an ephah for the bullock, and an ephah for the ram, and for the lambs as he is able, and of oil a hin to an ephah.

Manner of entrance and exit

[8]And when the prince shall enter, he shall go in by the vestibule of the gate, and he shall go forth by the same way. [9]But when the people of the land shall come before Jehovah in the feast days, he who enters by the north gate to worship shall go out by the south gate; and he who enters by the south gate shall go out by the north gate; none shall return by the gate at which he came in, but shall go out straight ahead. [10]The prince shall go in with them, when they go in, and go out, when they go forth.

On the special feast days

[11]And on the feast days and the festivals the cereal-offering shall be an ephah to a bullock, and an ephah to a ram, and for the lambs as he is able to give, and of oil a hin to an ephah. [12]And when the prince shall prepare a voluntary-offering, a burnt-offering or peace-offerings as a voluntary-offering to Jehovah, the east gate shall be opened for him, and he shall present his burnt-offering and his peace-offerings, as he doth on the sabbath day; then he shall go out; and after he has gone out the gate shall be shut.

[13]And he[e] shall provide daily a lamb a year old without blemish as a burnt-offering to Jehovah;[f] each morning shall he provide it. [14]And he shall provide as a cereal-offering with it each morning the sixth part of an ephah, and the third part of a hin of oil, to moisten the fine meal, as a cereal-offering to Jehovah by a perpetual ordinance. [15]Thus shall he provide the lamb, and the cereal-offering, and the oil, each morning, as a regular burnt-offering.

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[e] 46[13-14] So Gk., Syr., and Lat. The Heb. has in these vss. the second person singular, although in [15], *they*, is used. The context supports the reading, *he*, throughout.

[f] 46[14] So Gk. The Heb. adds, *continually*.

§ 155. Apportionment of the Land to the Temple, Levites, City, Prince, and Tribes, Ezek. 45[1-8], 46[16-18], 47 [48]

Ezekiel's Code

To the temple and its ministers

Ezek. 45 [1]When ye allot the land as inheritance, ye shall offer as a special gift[g] to Jehovah, a sacred portion of the land, five thousand cubits long, and twenty[h] thousand cubits wide; it shall be sacred throughout its entire extent. [3]And out of this area shalt thou measure off a space twenty-five thousand cubits long and ten thousand cubits wide, and on it shall the sanctuary, the most holy,[i] stand. [4]It is a holy portion of the land; it shall belong to the priests who are the ministers in the sanctuary, who draw near to minister to Jehovah; and it shall be a place for their houses, and an open space for the sanctuary. [2]Out of this a square of five hundred cubits shall be

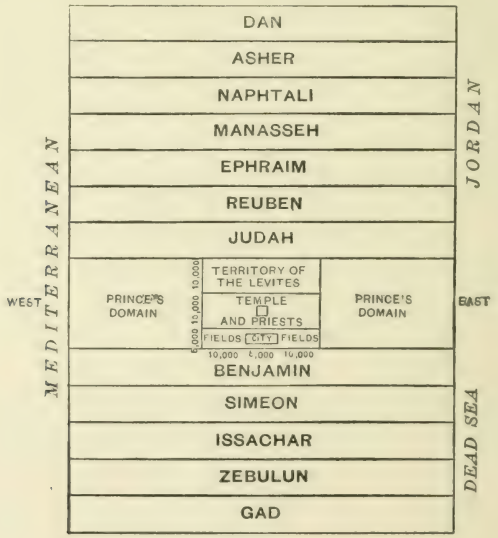
§ 155 The question of the reassignment of the territory of Canaan was a prominent one in the minds of the priestly exiles in Babylonia. As a matter of fact the land about Jerusalem never passed out of the possession of the Jewish survivors of the great catastrophe of 586 B.C. This fact must have been known to Ezek. and his associates. His plan of apportionment, like many other elements in his program, must, therefore, be regarded as an ideal rather than a practical basis for reorganization. It aims concretely to emphasize the necessity of carefully protecting the temple, the abode of the Holy One, from all defiling contact with the outside world. The priests, the Levites, the prince and the different tribes all represent successive ranks of guardians about the sanctuary. Provision is also made for the priests and Levites proportionate to their importance in the new Jewish state.

The accompanying diagram will illustrate Ezek.'s plan of allotment given in 48. Since this chapter simply gives these details, in Ezek.'s repetitious style, it has not been reproduced in the present text.

[g] 45[1] Lit., *offer an oblation.*

[h] 45[1] So Gk. Heb., *ten.* The standard of measure is not given, but it is in all probability the cubit. The total area would contain between forty and fifty square miles.

[i] 45[3] Restoring the Heb. with the aid of the Gk. This space corresponded to the common pasture grounds about every ancient Heb. village. Heb., *and a sanctuary for the sanctuary.* Gk., *houses set aside* or *assigned for their sanctification.*



Ezekiel's Code

for the sanctuary, with an open space fifty cubits wide around it.[j] ⁵And a space twenty-five thousand cubits long and ten thousand wide shall belong to the Levites, the ministers of the temple; their possession shall it be for cities in which to dwell.[k]

To the city and prince

⁶And as the possession of the city, ye shall assign a space five thousand cubits wide, and twenty-five thousand long, beside the sacred reservation; it shall belong to the whole house of Israel. ⁷And the prince shall have the space on both sides of the sacred reservation and the possession of the city, facing the sacred reservation and the possession of the city, on the west and on the east, and of the same length as one of the portions of the tribes, from the west border to the east border ⁸of the land. It shall be his possession in Israel; and the princes[l] of Israel shall no more oppress my people, but shall give the land to the house of Israel according to their tribes.

His right to alienate landed property

46 ¹⁶Thus saith the Lord Jehovah, If the prince make a gift to any of his sons, out of his inheritance,[m] it shall belong to his sons; it is their possession by inheritance. ¹⁷But if he make a gift out of his inheritance to one of his servants, it shall be his to the year of release; then it shall revert to the prince; but as for his inheritance, it shall belong to his sons. ¹⁸Moreover the prince shall not take of the people's inheritance so as to deprive them by force of their possession; he shall give an inheritance to his sons out of his own possession, that none of my people be scattered from his possession.

Stream issuing from the temple

47 ¹Then he brought me to the door of the temple and there was water issuing from under the threshold of the temple eastward—the temple faced the east—and the water came down[n] on the south side of the temple,[o] to the south side of the altar. ²Then he brought me out by the way of the north gate, and led me around outside to the eastern outer gate; and there water was flowing on the south side.

Its increasing volume

³As the man went forth eastward with the line in his hand, he measured a thousand cubits, and he caused me to pass through waters, ankle-deep. ⁴Again he measured a thousand cubits, and caused me to pass through waters, knee-deep. Again he measured a thousand cubits, and caused me to pass through waters, hip-deep. ⁵Afterward he measured a thousand cubits; and it was a river through which I could not pass, for the waters were deep enough to swim in, a river that could not be forded.

Its fertilizing effect

⁶And he said to me, Seest thou, O man? Then he brought me back to the bank of the river. ⁷Now when I had returned, there on the bank of the river were very many trees on both sides. ⁸Then he said to me, These waters issue forth toward the eastern region, and shall descend to the Arabah; and they shall go to the Dead Sea into the salt waters;[p] which waters shall

[j] 45² This vs. evidently belongs here.
[k] 45⁵ So Gk. The Heb. makes no sense.
[l] 45⁸ So Gk. Heb., *my princes.*
[m] 46¹⁶ So Gk. Heb., *it is his inheritance.*
[n] 47¹ So Gk., Syr., and Lat. In the Heb. a scribe has added from the first part of the vs., *from under.*
[o] 47¹ Ezek. probably has in mind one of the characteristic rivers of Palestine, which, like one branch of the Jordan, flows from its rocky source a full-fledged stream. Also in ancient times a spring issued from the temple mount, cf. *Letter of Aristeas*, and Is. 8⁶.
[p] 47⁸ Following a corrected text.

Ezekiel's Code

be made fresh. [9]Every living creature which swarmeth, in every place whither the river[q] cometh, shall live; and the fish shall be very many.[r] [10]Fishers shall stand by it from Engedi even to En-eglaim; it shall be a place for the spreading of nets; its[s] fish shall be like[t] the fish of the Great Sea, exceeding many. [11]But its marshes and pools shall not be made fresh; they shall be left for salt.[u] [12]And by the bank of the river on both sides shall grow every kind of tree which furnisheth food; their leaves shall not wither, neither shall their fruit fail; every month they shall bear fresh fruit, for their waters issue from the sanctuary, and their fruit shall be for food and their leaves for healing.

Distribution of land among the tribes

[13]Thus saith the Lord Jehovah, This is the border, whereby ye shall allot the land according to the twelve tribes of Israel.[v] [14]Ye shall share it equally, for I swore to give it to your fathers, and this land shall fall to you as your inheritance.

Its northern border

[15]And this is the border of the land on the north: From the Great Sea[w] by[x] Hethlon, to the entrance of[a] [16]Hamath, as far as Zedad, Berothah, and Sibraim,[b] which is between the border of Damascus and Hamath; and to Hazerenon,[c] which is on the border of Hauran; [17]thus the border shall run from the sea to Hazarenon[d], so that the territory of Damascus is on the north on the border of Hamath.[e] This is the northern border.

Eastern border

[18]On the east: Between Hauran, Damascus and Gilead and the land of Israel, shall be the Jordan; from the northern border to the eastern sea shall ye measure. This is the eastern border.

Southern border

[19]On the south: From Tamar as far as the waters of Meriboth-kadesh, to the brook of Egypt, and to the Great Sea. This is the southern border. [20]On the west: The Great Sea from the southern border to a point opposite the entrance of Hamath. This is the western border.

Principle of allotment

[21]Thus ye shall divide this land among yourselves according to the tribe of Israel. [22]Ye shall allot it as an inheritance for yourselves and the aliens residing among you, who have begotten children among you; and they shall be reckoned with you as the native-born among the Israelites; they shall be assigned a portion with you among the tribes of Israel. [23]And ye shall give the alien his portion in the land in which he dwells, saith the Lord Jehovah.

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[q] 47[9] So Gk. Heb., *rivers.*

[r] 47[9] In the Heb. the first part of the vs. is repeated, through a scribal error in the latter part.

[s] 47[10] Again following the superior reading of the Gk., Syr. and Lat.

[t] 47[10] Following the Syr. in omitting the awkward and very late, *after their kinds.*

[u] 47[11] *I. e.*, that the natives may there gather salt.

[v] 47[13] A scribe has added the clause, *Joseph two portions.* It interrupts the context. It was probably suggested by 48[5, 6].

[w] 47[15] *I. e.*, the Mediterranean.

[x] 47[15] *In the direction of* is clearly a gloss in the Heb., for Hethlon is probably to be identified with the present Heitela near the shore of the Great Sea.

[a] 47[15] Following the Gk. order.

[b] 47[16] The reading and identification of these places are exceedingly doubtful.

[c] 47[17] So [17] and 48[1], Nu. 34[9]. Heb., *Hatticon.*

[d] 47[17] Reconstructing the corrupt Heb. with the aid of 48[1].

[e] 47[17] The Heb. is obscure. Cornill would emend so as to read, *From Hazar-enon, which is on the border between the territories of Hauran and Damascus; the Jordan is the boundary between Gilead and the land of Israel.*

D

The Post-Exilic Hierarchy

§ 156. Traditions Regarding the Origin of the Hierarchy, Nu. 3⁵⁻¹⁰ [17¹⁻¹¹, Ex. 28¹]

Priestly Codes

Nu. 3 ⁵Jehovah spoke thus to Moses, ⁶Bring the tribe of Levi near, and set them before Aaron the priest, that they may minister to him. ⁷They shall obey his orders and have charge of the whole congregation before the tent of meeting, to perform the service of the dwelling. ⁸They shall also care for all the furniture of the tent of meeting, and have charge of the Israelites, to perform the service of the dwelling. ⁹Thou shalt give the Levites to Aaron and to his sons; they shall be wholly given to him in behalf of the Israelites. ¹⁰Thou shalt also appoint Aaron and his sons to have charge of their priestly office; the layman who comes near shall be put to death.

Call and commission of the tribe of Levi

The Post-Exilic Hierarchy.—The fall of the Judean state in 586 B.C. and the long subjection to foreign masters which followed left the priests the one ruling class in Judaism. With the fall of the monarchy, civil as well as religious authority passed to the hierarchy. The growing importance of the ritual also added to the prominence of the priesthood. The result was that from the days of Ezra and Nehemiah their numbers and duties and income rapidly increased. Their organization was also more highly developed. At the head of the hierarchy stood the high priest, with at times almost royal authority. Next in rank were his kinsmen and immediate associates the priests who were designated in the priestly codes as the *sons of Aaron*. Like the sons of Zadok in Ezek.'s hierarchy, note § 153, they were doubtless for the most part the descendants of the Levitical priests, who had served at the pre-exilic Jerusalem temple, cf. below. The distinction between them and the Levites, the descendants of the priests of the pre-exilic sanctuaries outside of Jerusalem, was sharply defined, and the Levites were allowed to perform only the menial duties in connection with the temple.

§ 156 The historical origin of the priesthood and of the later distinction between the priests and Levites has already been traced, cf. introd. under § 148. Later priestly tradition, however, following its natural tendencies, cf. Introd., p. 10, connected this origin directly with Moses. According to Nu. 3⁵⁻¹⁰, as Jehovah's herald, he proclaimed at Sinai the unique priestly prerogatives of the sons of Aaron and the dependent position of the Levites. Their choice is arbitrary and final, cf. also Ex. 28 and 29⁹. The tradition in Nu. 17¹⁻¹¹ also contains an account of a miraculous sign confirming the choice of Aaron, Vol. I, § 93.

No clear traces of this late priestly belief that Aaron was the ancestral father of the legitimate priesthood can be found in the pre-exilic literature. It is not certain that his name occurred at all in the original early Judean prophetic narratives. In the Ephraimite section, Ex. 32, when the idolatrous northern cults at Bethel and Samaria are indirectly condemned, Aaron directs the making of the golden calf. Elsewhere in the northern traditions, Joshua ministers at the tent of meeting, Ex. 33¹¹. The priests in charge of the pre-exilic Jerusalem temple were appointees of David and Solomon. Ezek. recognizes only the sons of Zadok and knows nothing of the sons of Aaron. The late title *son of Aaron* apparently included the Zadokites, and probably certain other priestly clans. Its origin is doubtful, but it seems to represent a compromise with the exclusive position set forth by Ezek. The Zadokites continued, however, to hold the chief offices, and later apparently again came into prominence as the party of the Sadducees.

I

THE LEVITES

§ 157. Legal Age of Service, Nu. 8[23-26]

Very Late Supplemental Priestly Codes

From twenty-five to fifty

Nu. 8 [23]Jehovah said to Moses, [24]This is that which concerneth the Levites: From twenty-five years old and upward they shall go in to fulfil their service in the work of the tent of meeting. [25]At the age of fifty years they shall cease to render service, and shall serve no more; [26]they may minister with their kinsmen in the tent of meeting, to fulfil that duty, but shall perform no service. Thus shalt thou deal with the Levites concerning their duties.

§ 158. Consecration, Nu. 8[5-22]

Supplemental Priestly Codes

Rite of cleansing

Nu. 8 [5]Jehovah spoke thus to Moses, [6]Take the Levites from among the Israelites, and cleanse them. [7]Thus shalt thou deal with them, in cleansing them: sprinkle them with the water of expiation,[a] and let them shave all their flesh with a razor, and let them wash their clothes, and cleanse themselves.

Public sacrifice in their behalf

[8]Then let them take a young bullock, with its cereal-offering, fine meal mixed with oil;[b] and another young bullock shalt thou take as a sin-offering. [9]Then thou shalt present the Levites before the tent of meeting; and thou shalt assemble the whole congregation of the Israelites; [10]and thou shalt present the Levites before Jehovah. And the Israelites shall lay their hands upon the Levites.[c] [12]The Levites also shall lay their hands upon the heads of the bullocks; then thou shalt offer the one as a sin-offering, and the other as a burnt-offering, to Jehovah, to make atonement for the Levites. [13]Thou shalt also set the Levites before Aaron, and before his sons, and offer them as a sacred offering[d] to Jehovah.

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§ 157 Nu. 4[3] fixes the minimum age of service at thirty years; cf. § 34; 8[24] at twenty-five and the Chronicler at twenty, I Chr. 23[24, 27], II 31[17], Ezra 3[8]. Apparently these different sources represent the usage in the succeeding periods to which they each belong. The increased duties of the Levites may well explain why in the Gk. period they were pressed into service at an earlier age.

§ 158 The law prescribing a detailed ceremony for the consecration of the Levites evidently belongs to the latest stratum of the Pentateuch. It is really an expansion of the simple law of Nu. 3[5-10]. In the process of repeated expansion several repetitions have crept in, cf. *e. g.*, vss. [6, 15] and [11, 13, 15]. Vss. [15b-22] contain an expanded version of the preceding regulations. Aaron is also assigned the central place in the narrative instead of Moses. The aim of the law is to provide a formal consecration for the Levites, as well as for the priests, Lev. 8.

[a] Nu. 8[7] Heb., *water of sin, i. e.*, for the removal of sin.

[b] Nu. 8[8] The phrase, *as a burnt-offering*, is perhaps to be added, though found in none of the versions, cf. [12].

[c] Nu. 8[10] Vs. [11] reads, *Then Aaron shall offer* (Heb., *wave*) *the Levites before Jehovah as a sacred offering* (Heb., *wave-offering*) *in behalf of the Israelites, that it may be theirs to perform the service of Jehovah;* it is clearly an explanatory interpolation. Aaron, not Moses, as in [13], is commanded to present the Levites to Jehovah.

[d] Nu. 8[13] Heb., *wave them as a wave-offering.* The original significance of the words apparently is lost here. So vss. [15-21].

Supplementary Priestly Codes

^{14}Thus shalt thou separate the Levites from among the Israelites, that the Levites may be mine. ^{15}Afterwards shall the Levites go in to perform the service of the tent of meeting; thus shalt thou cleanse them and offer them as a sacred offering; ^{16}for they are wholly given to me from among the Israelites; instead of all that openeth the womb, even the first-born of all the Israelites, have I taken them for myself. ^{17}For all the first-born among the Israelites are mine, both of man and of beast; on the first day when I smote all the first-born in the land of Egypt I sanctified them for myself. ^{18}And I have taken the Levites instead of all the first-born among the Israelites. ^{19}And I have given the Levites as a gift to Aaron and to his sons from among the Israelites, to perform the service of the Israelites in the tent of meeting and thus make atonement for the Israelites; that there may be no plague among the Israelites, when the Israelites come near the sanctuary. Presented to Jehovah in place of the first-born of the people

^{20}So Moses and all the congregation of the Israelites dealt thus with the Levites; according to all that Jehovah commanded Moses[e] concerning the Levites, thus the Israelites dealt with them. ^{21}So the Levites cleansed themselves from sin, and they washed their clothes; and Aaron offered them as a sacred offering before Jehovah; and Aaron made atonement for them to cleanse them. ^{22}Afterward the Levites went to perform their service in the tent of meeting before Aaron, and before his sons; as Jehovah had commanded Moses concerning the Levites, so they dealt with them.[f] Traditional precedent

§ 159. **Duties, Nu. 3$^{5-9}$, 18$^{1-6}$ [8$^{15, 24-26}$], 1$^{47-53}$, 3$^{25, 26, 29-32, 35-37}$, 4$^{4, 5, 15, 24-33}$, I Chr. 23$^{1-5}$ [6-26] 27-32, 25$^{1-8}$**

Priestly Codes

Nu. 3 ^{5}Jehovah spoke thus to Moses, ^{6}Bring the tribe of Levi near, and set them before Aaron the priest, that they may minister to him. ^{7}They shall obey his orders, and have charge of the whole congregation before the tent of meeting, to perform the service of the dwelling. ^{8}They shall also care for all the furniture of the tent of meeting, and have charge of the Israelites, to perform the service of the dwelling. ^{9}Thou shalt give the Levites to Aaron and his sons; they shall be wholly given to him in behalf of the Israelites. To take charge of the sanctuary

18 ^{1}And Jehovah said to Aaron, Thou and thy sons and thy fathers' house with thee shall bear the consequences of the iniquity committed in the sanctuary;[g] and thou and thy sons with thee shall bear the consequences of the iniquity committed in the exercise of your priestly office. ^{2}And thy kinsmen also, the tribe of Levi, the tribe of thy father, bring near with thee, that they may be associated with thee, and minister to thee, while thou and thy sons with thee are before the tent of the testimony. ^{3}And they shall To assist the priests

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[e] Nu. 8^{20} Heb. adds, *and Aaron*, a later gloss.

[f] Nu. 8$^{21, 22}$ These vss. are very late additions to the law.

§ 159 The late priestly laws limit the duties of the Levites to the care of the sanctuary and its furnishings. They are simply the servants of the priests and perform the menial services which fell to the temple slaves in the pre-exilic temple, cf. § 152. The Chronicler, however, states that certain Levitical families or guilds were organized as temple singers. In I Chr. 6^{18} three such Levitical guilds are mentioned, which bear the names, Heman, Asaph and Ethan, cf. II Chr. 20^{19} Ezra 2^{41} and its parallel Neh. 7^{44} speaks only of the sons or guild of Asaph. The superscriptions of the Pss. also bear testimony to the existence of these guilds of singers. In connection with Herod's temple the Levitical singers play an important rôle. Their prominent development appears, however, to have followed the reformation under Ezra and Neh. cf. Vol. V, Introd. *in loco.*

[g] Nu. 18^{1} Heb., *bear the iniquity of the sanctuary.* The expression is apparently a technical priestly idiom and must be expanded to be intelligible. Cf. *e. g.* 1^{50}.

Priestly Codes

obey thy orders, and have the care of all the tent; only they shall not come near to the vessels of the sanctuary and the altar, that they die not, neither they, nor ye. [4]And they shall be associated with thee, and have charge of the tent of meeting, to perform all the service of the tent, for no layman shall come near you. [5]But ye shall have charge of the sanctuary and the altar, that wrath may never again come upon the Israelites there. [6]And I, behold, I have taken your kinsmen the Levites from among the Israelites; they are a gift to you, given to Jehovah, to perform the service of the tent of meeting.

Supplemental Priestly Codes

To act as porters and guards

Nu. 1 [47]The Levites according to the tribe of their fathers were not numbered among the Israelites; [48]for Jehovah said to Moses, [49]Only the tribe of Levi shalt thou not number, neither shalt thou take a census of them among the Israelites, [50]but appoint the Levites over the dwelling of the testimony, and over all its furniture, and over all that belongeth to it; they shall carry the dwelling, and all its furniture; and they shall minister to it, and shall encamp round about the dwelling. [51]And when the dwelling setteth forward, the Levites shall take it down, and when the dwelling halteth the Levites shall set it up; the layman who cometh near shall be put to death. [52]The Israelites shall encamp according to their hosts, each man by his own camp, and each man by his own standard. [53]But the Levites shall encamp about the dwelling of the testimony, that no wrath come upon the congregation of the Israelites; thus the Levites shall take charge of the dwelling of the testimony.

Special duties of the sons of Gershon

3 [25]And the charge of the sons of Gershon in the tent of meeting shall be the dwelling, the tent, its covering, the screen for the door of the tent of meeting, [26]the hangings of the court, and the screen for the door of the court which is by the dwelling, and by the altar round about, and the cords for all its service.

Of Kohath

[29]The families of the sons of Kohath shall encamp on the side of the dwelling on the south. [30]And the prince of the fathers' house of the families of the Kohathites shall be Elizaphan the son of Uzziel. [31]And their charge shall be the ark, the table, the candlestick, the altars, the vessels of the sanctuary with which they minister, the screen, and all its service. [32]And Eleazar the son of Aaron the priest shall be the prince of the princes of the Levites, having the oversight of those who have charge of the sanctuary.

Of Merari

[35]And the prince of the fathers' house of the families of Merari was Zuriel the son of Abihail: they shall encamp on the north side of the dwelling. [36]And the appointed charge of the sons of Merari shall be the boards of the dwelling, and its bars, its pillars, its sockets, and all its instruments, and all its service, [37]and the pillars of the court round about, with their sockets, their pins, and their cords.

4 [47]This is the service of the sons of Kohath in the tent of meeting, the care of the most holy things: [5]when the camp sets forth, Aaron shall go in,

Supplemental Priestly Code

and his sons, and they shall take down the veil of the screen, and cover the ark of the testimony with it. [15]And when Aaron and his sons have finished covering the sanctuary, and all the furniture of the sanctuary, as the camp is about to set forth, after that the sons of Kohath shall come to carry them, without, however, touching the holy things lest they die. To carry these things is the duty of the sons of Kohath in connection with the tent of meeting. Of the sons of Kohath on the march

[24]This is the service of the families of the Gershonites in connection with serving and carrying: [25]they shall carry the curtains of the dwelling, and the tent of meeting, its protecting covering, and the covering of Egyptian leather which is over it, and the screen of the door of the tent of meeting, [26]and the hangings of the court, and the screen for the door of the gate of the court, which surrounds the dwelling and the altar, and their cords, and all the accessories of their service; whatever is to be done in connection with them the Gershonites shall perform. [27]At the bidding of Aaron and his sons the Gershonites shall perform all their service in connection with all that they have to carry, and all that is in their care. Ye shall assign to them by name all the things committed to them to carry.[h] [28]This is the service of the families of the Gershonites in the tent of meeting; the performance of their duties shall be under the supervision of Ithamar the son of Aaron the priest. Of the Gershonites

[29]As for the sons of Merari, thou shalt number them by their families, by their fathers' houses; [30]from thirty years old and upward even to fifty years old thou shalt number them, every one who entereth upon the service,[i] to do the work of the tent of meeting. [31]This is their responsibility in connection with carrying and all their service in the tent of meeting: the boards of the dwelling, and its bars, and its pillars, and its sockets, [32]and the pillars of the court round about, and their sockets, and their pins, and their cords, with all their accessories, and with all the work which they require.[j] [33]This is the service of the families of the sons of Merari in connection with all their serving in the tent of meeting, under the supervision of Ithamar the son of Aaron the priest. Of the sons of Merari

Chronicler's Ecclesiastical History

I Chr. 23 [1]Now David was old and advanced in years when he made Solomon his son king over Israel. [2]And he gathered together all the princes of Israel, with the priests and the Levites. [3]And the Levites thirty years old and upward were numbered; and their number by their census, man by man, was thirty-eight thousand. [4]Of these, twenty-four thousand were to oversee the work of the temple of Jehovah; and six thousand were officers and judges; [5]and four thousand were door-keepers; and four thousand praised Jehovah with the instruments which he[k] made for giving praise. [27]For in Varied duties of the Levites according to the Chronicler

[h] Nu. 4[27] This last clause is perhaps a scribal addition.
[i] Nu. 4[30] Lit., *warfare.*
[j] Nu. 4[32] *Ye shall appoint to them* (cf. Gk. and [27]) *by name all* (so Gk. and Sam.) *the things committed to their charge to carry,* is clearly a later gloss.
[k] I Chr. 23[5] So Gk. Heb., *I made.*

Chronicler's Ecclesiastical History

accordance with the last words of David the sons of Levi twenty years old and upward were numbered. [28]For their official duty was to wait on the sons of Aaron in connection with the service of the temple of Jehovah, in the courts, and in the chambers, and in the purifying of all the holy things, even the work of the service of the house of God [29]in connection with the show-bread[l] and the fine meal for a cereal-offering, whether of unleavened wafers or of that which is baked in the pan or of that which is soaked, and in connection with all measurements of capacity or length;[m] [30]and to stand every morning to give thanks and praise to Jehovah, and likewise also in the evening; [31]and to offer regularly all burnt-offerings to Jehovah, on the sabbaths, on the new moons, and on the appointed feasts, in their order according to the regulation concerning them. [32]They also had charge of the tent of meeting and of the holy place, and of the sons of Aaron their kinsmen in connection with the service of the house of Jehovah.

As temple singers

25 [1]Moreover David and the commanders of the army set aside for the service certain of the sons of Asaph and Heman and Jeduthun, who prophesied with harps, with lyres, and with cymbals. And the number of those who did the work according to their service was [2]of the sons of Asaph: Zaccur, and Joseph, and Nethaniah, and Asharelah,[n] the sons of Asaph, under the charge[o] of Asaph, who prophesied at the direction of the king. [3]Of Jeduthun;[p] the sons of Jeduthun: Gedaliah, Jizri,[q] Jeshaiah, Hashabiah, and Mattithiah, six,[r] under the direction of their father Jeduthun with the harp, who prophesied by giving thanks and praising Jehovah. [4]Of Heman; the sons of Heman: Bukkiah, Mattaniah, Uzziel, Shebuel, and Jerimoth, Hananiah, Hanani, Eliathah, Giddalti, and Romamti-ezer, Joshbekashah, Mallothi, Hothir, Mahazioth.[s] [5]All these were the sons of Heman the king's seer in accord with God's promise to exalt his horn.[t] And God gave to Heman fourteen sons and three daughters. [6]All these were under the direction of their father for song in the temple of Jehovah, with cymbals, lyres, and harps in connection with the service of the house of God, Asaph, Jeduthun, and Heman being under the direction of the king. [7]And their number, together with their kinsmen who were instructed in singing praise to Jehovah, even all who were skilful, was two hundred and eighty-eight. [8]And they all cast lots for their offices, both the small and the great, the teacher and the one taught.

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[l] I Chr. 23[28] *I. e.*, the baking of the bread.
[m] I Chr. 23[28] *I. e.*, to measure all gifts and offerings brought to the temple.
[n] I Chr. 25[2] In vs. [14] *Jesarel*, Luc., *Aseivela*.
[o] I Chr. 25[2] Heb., *under the hands of*.
[p] I Chr. 25[3] Elsewhere, *Ethan*.
[q] I Chr. 25[3] So [11]; Heb., *Zeri*.
[r] I Chr. 25[3] But five are mentioned, unless the father be included.
[s] I Chr. 25[4] A slight change in the vocalization of these proper names gives the fragment of a psalm which was probably in the Chr.'s mind:
Be gracious to me, O Jehovah, be gracious! Thou art my God!
Thou hast given great and signal aid to those in affliction;
Thou hast given many and full visions.
[t] I Chr. 25[5] *I. e.*, to bless with many offspring.

§ 160. Property and Means of Support, Nu. 18$^{21, 23, 24}$, 31$^{28-30, 47}$, 35$^{1-8}$, Lev. 25$^{29-34}$

Priestly Codes

The tithes

Nu. 18 ^{21}To the sons of Levi, behold, I give every tithe in Israel as an inheritance, in return for their service which they perform, even the service of the tent of meeting. ^{23}The Levites shall perform the service of the tent of meeting, and they shall bear the consequences of their iniquity; this shall be a statute forever throughout your generations:[u] among the Israelites they shall have no inheritance. ^{24}For the tithe of the Israelites, which they offer as a portion reserved for Jehovah, I have given to the Levites as an inheritance; therefore I have said concerning them, Among the Israelites they shall have no inheritance.

Supplemental Priestly Codes

Share of the spoils of war

Nu. 31 ^{28}Levy a contribution for Jehovah upon the warriors who went out to battle; one in five hundred, of the persons, and of the oxen, and of the asses, and of the flocks. ^{29}Take it from their half, and give it to Eleazar the priest, as a special contribution to Jehovah. ^{30}And from the Israelites' half, thou shalt take one drawn out of every fifty, of the persons, of the oxen, of the asses, and of the flocks, even of all the cattle, and give them to the Levites, who have the charge of the dwelling of Jehovah. ^{47}Of the Israelites' half, Moses took one drawn out of every fifty, both of man and of beast, and gave them to the Levites, who had charge of the dwelling of Jehovah, as Jehovah commanded Moses.

Forty-eight cities with their suburbs

35 ^{1}Jehovah spoke thus to Moses in the plains of Moab by the Jordan at Jericho, ^{2}Command the Israelites that they give to the Levites out of their hereditary possession cities to dwell in; and pasture land for the cities round about them shall ye give to the Levites. ^{3}The cities shall they have to dwell in; and their pasture land shall be used for their cattle,[v] and for their herds, and for all their beasts. ^{4}The pasture land of the cities, which ye shall give to the Levites, shall extend outside the wall of the city a thousand cubits in every direction. ^{5}Ye shall measure without the city on the east side two thousand cubits, and on the south side two thousand cubits, and on the west side two thousand cubits, and on the north side two thousand cubits, the city being in the midst.[w] This shall serve them as pasture land belonging

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§ 160 Cf. for the income of the pre-exilic Levitical priests, §§ 150, 157. The priestly law of Nu. 18^{23} reiterates the older regulation of Dt. 18^{1}, *the Levites shall have no inheritance.* The priestly law, however, provides that they shall no longer be dependent upon the generosity of the individual offerers, but shall receive as their own nine-tenths of the annual tithes, the remaining tenth to be paid by them to the priests. This regulation establishes as a law the principle underlying Nehemiah's reform measures, Neh. 13$^{10-13}$. The supplemental priestly codes added to the income of the Levites a portion of the spoils of war and reversed the earlier law to the effect that they should have no inheritance, and in a tradition connected with Moses, assigned to them certain cities, with the surrounding pasture lands. There is no evidence, however, that this provision was ever carried out. Like the regulation regarding the year of jubilee, it remained only a priestly ideal. Until the Levites became exceedingly numerous the tithe must have bountifully met their needs.

[u] Nu. 18^{23} This is possibly all a gloss with the exception of the last clause.

[v] Nu. 35^{3} Lit., *property.*

[w] Nu. 35^{5} Vss. $^{4, 5}$ cannot be harmonized as they stand, for the area is a circle in ^{4} and a square in ^{5}. Either ^{5} is a gloss, or the author had not carefully considered his plan.

Supplemental Priestly Codes

to the cities. [6]As for the cities which ye shall give to the Levites, ye shall set apart the six cities of refuge, whither the manslayer may flee;[x] and besides these ye shall set apart forty-two cities. [7]The whole number of the cities which ye shall give to the Levites shall be forty-eight cities; them shall ye give together with their suburbs. [8]And concerning the cities which ye shall set apart from the possession of the Israelites, from the great tribe ye shall take many, and from the small tribe ye shall take few; each tribe according to its inheritance which it is to receive shall set apart some of its cities for the Levites.

Perpetual right in their hereditary possessions

Lev. 25 [29]If a man sell a dwelling-house in a walled city, he shall have the right of redeeming it for a whole year after it has been sold; for a year shall he retain the right of redemption. [30]Then if it is not redeemed within a year, the house that is in the walled city shall be assured in perpetuity to him who bought it, to him and his descendants; it shall not be released in the year of jubilee. [31]But the houses of the villages which have no walls around them shall be reckoned as belonging to the fields of the country; the right of redemption shall be retained for them, and they shall be released in the year of jubilee. [32]But in the case of the houses in the cities of the Levites, the cities which belong to the Levites, the Levites shall have the perpetual right of redemption. [33]If, however, one of the Levites do not[y] redeem it, then the house that was sold in[z] the city that belongeth to him, shall be released at the year of jubilee; for the houses in the cities of the Levites are their possession among the Israelites. [34]But the pasture land belonging to their cities may not be sold, for it is their perpetual possession.

II

THE PRIESTS

§ 161. Qualifications, Lev. 21[16-24]

Holiness Code

Freedom from every physical defect

Lev. 21 [16]Jehovah gave this command to Moses, [17]Say to Aaron, 'No one of thy descendants throughout their generations who hath a blemish, shall approach to offer the food of his God. [18]For no one who hath a blemish may approach: no one who is blind, or lame, or he who is mutilated in the face,[a]

[x] Nu. 35[6] Slightly correcting the Heb., which is very awkward.
[y] Lev. 25[33] The Heb. omits the negative.
[z] Lev. 25[33] Slightly correcting the text. The Heb. has, *and*, for, *in*.

§ 161 The term, *son of Aaron*, as the regular designation of a priest, does not appear to have been found either in Ezek. or the Holiness Code, cf. note § 156. In the later process of priestly redaction, *Aaron* and the *sons of Aaron* have been introduced at many points into the older Holiness Code. In most cases, however, the hand of the editor is readily detected. The belief that a priest should be physically perfect is very ancient, and is in harmony with the characteristic teachings of the Holiness Code. Corresponding perfection and ceremonial purity were demanded in the case of both the offering and the individual offerer. It was in this graphic way that the prophetic ideal of moral perfection was impressed upon the popular mind by the later priestly teachers.

[a] Lev. 21[18] Gk. and Syr., *who hath a flat nose.*

Holiness Code

or who hath a limb too long, [19]or a broken leg, or a broken arm, [20]or who is humpbacked or withered, or hath defective eyesight,[b] or scurvy, or is scabbed, or whose testicles are destroyed; [21]no one of the descendants of Aaron the priest, may thus come near to offer the offerings made by fire to Jehovah; he hath a blemish; he shall not come near to offer the food of his God. [22]He may eat the food of his God, both of the most holy and of the holy; [23]only he shall not go in to the veil, nor come near to the altar, because he hath a blemish; lest he profane my sanctuaries; for I am Jehovah who sanctifieth them.' [24]Thus Moses spoke to Aaron, and to his sons, and to all the Israelites.

§ 162. **Consecration,** Ex. 29[1-4, 8-25, 35, 36a] [Lev. 8[1-6, 13-36], Ex. 30[22], 40[12, 14-16]]

Priestly Codes

Ex. 29 [1]And this shall be thy method of procedure in consecrating Aaron and his sons to minister to me as priests: take one young bullock and two rams without blemish, [2]and unleavened bread, and unleavened cakes mixed with oil, and unleavened wafers smeared with oil: of fine wheaten flour shalt thou make them; [3]and thou shalt put them in a basket, and bring in the basket, with the bullock and the two rams. Preparations

[4]Then thou shalt bring Aaron and his sons to the entrance of the tent of meeting, and wash them with water. Washing

[8]And thou shalt bring his sons and clothe them with tunics, [9]and shalt gird them with sashes,[c] and fasten turbans on them; and they shall have the priesthood by a statute forever. Thus thou shalt install[d] Aaron and his sons. Attiring in garb of office

[10]Then thou shalt bring the bullock before the tent of meeting; and Aaron and his sons shall lay their hands upon the head of the bullock, [11]and thou shalt kill the bullock before Jehovah at the entrance of the tent of meeting. [12]Thou shalt take some of the blood of the bullock, and put it on the horns of the altar with thy finger, and pour out all the rest of the blood at the base of the altar. [13]And thou shalt take all the fat that covereth the entrails, and the fatty mass next to the liver, and the two kidneys, and the fat that is on them, and burn them upon the altar. [14]But the flesh of the bullock, and its hide, and the contents of its entrails, thou shalt burn with fire outside the camp; it is a sin-offering. [15]Thou shalt also take one of the rams; Aaron and his sons shall lay their hands on the head of the ram, [16]and thou shalt slay the ram, and take some of its blood, and dash it round about against the altar. [17]Then thou shalt cut the ram in pieces, and wash its entrails, and its legs, and put them with the rest of its pieces, and with its head, [18]and thou shalt burn the whole ram upon the altar; it is a burnt-offering to Jehovah; it is a pleasant odor, an offering made by fire to Jehovah. Sacrificial offerings

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[b] Lev. 21[20] Or, *white specks in the eye*, as Syr., or, *a running in the eye*, as Targ.

§ 162 These elaborate laws belong to the latest stratum of the Pentateuch and represent the extreme development in the O.T. of that ceremonialism which ultimately overshot its true mark—the moral purity of the state and individual. In slightly different terms the parallels in Lev. 8[1-6, 13-36], Ex. 30[22], 40[12, 14-16] reflect the detailed directions of Ex. 29.

[c] Ex. 29[9] A scribe has added the awkward gloss, *Aaron and his sons.*

[d] Ex. 29[9] Lit., *fill the hands of.*

Priestly Codes

Rite of initiation

[19]Then thou shalt take the other ram; and Aaron and his sons shall lay their hands on the head of the ram, [20]and thou shalt kill the ram and take some of its blood, and put it on the tip of the right ear of Aaron, and on the tip of the right ear of each of his sons, and upon the thumb of the right hand of each, and upon the great toe of the right foot, and dash the rest of the blood against the altar round about. [21]Thou shalt take some of the blood that is on the altar, and some of the anointing oil, and sprinkle it upon Aaron, and upon his garments, and upon his sons, and upon the garments of his sons as well; thus he shall be consecrated, and his garments, and his sons, and his sons' garments as well.[e] [22]Thou shalt take also of the fat of the ram, and the fat tail, and the fat that covereth the entrails, and the fatty mass next to the liver, and the two kidneys, and the fat that is on them, and the right thigh—for it is a ram of consecration—[23]and one loaf of bread, and one cake of oiled bread, and one wafer, out of the basket of unleavened bread that is before Jehovah; [24]thou shalt put them all on the hands of Aaron, and on the hands of his sons; and thou shalt wave them[f] as a wave-offering before Jehovah. [25]Then thou shalt take them from their hands, and burn them on the altar upon the burnt-offering, as a pleasant odor before Jehovah: it is an offering made by fire to Jehovah.

Seven days' ceremony

[35]So shalt thou deal with Aaron and his sons exactly as I have commanded thee; seven days shalt thou take in installing them. [36a]Each day shalt thou offer the bullock of sin-offering for atonement.[g]

§ 163. Clothing, Ex. 28[40-43] [29[8, 9], Lev. 8[13]]

Priestly Codes

Costume while officiating

Ex. 28 [40]For Aaron's sons thou shalt make tunics, and thou shalt make for them sashes, and turbans shalt thou make for them, as splendid ornaments. [41]Thou shalt put them on Aaron thy brother, and on his sons with him; and shalt anoint them, and install them, and consecrate them, that they may minister to me as priests. [42]Thou shalt make them linen drawers to cover their bare flesh; from the loins to the thighs they shall reach; [43]and his sons shall wear them when they go in to the tent of meeting, or when they come near the altar to minister in the holy place, lest they incur guilt, and so die; it shall be a statute forever for him and his descendants after him.[h]

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[e] Ex. 29[21] This vs. is perhaps a later addition. In the Gk. it precedes the last clause of [20].

[f] Ex. 29[24] *I. e.*, swing them towards and from the altar, to symbolize their presentation to Jehovah, and his return of them to the giver. The expression is often used in a more general sense, where the original ceremony has disappeared, but not its significance.

[g] Ex. 29[36a] Possibly this vs. is later than the preceding law.

§ 163. Vs. [41] anticipates the directions in 29[8] and interrupts the directions regarding the clothing in [40, 42, 43]. The anointing of the priests also appears to be an addition peculiar to the supplemental codes. In the groundwork of the priestly codes the high priest alone is anointed, cf. § 168.

[h] Ex. 28[42, 43] Prob. later than [40]

§ 164. Ceremonial Cleanliness, Lev. 21[1-9], 22[1-9], 10[8, 9, 6, 7], Ex. 30[17-21]

Holiness Code

Lev. 21 [1]Jehovah gave this command to Moses, Speak to the priests, the sons of Aaron and say to them, 'No priest shall defile himself for any one who is dead among his people,[i] [2]except for his nearest kin, for his mother and his father and his son and his daughter and his brother; [3]for his sister a virgin, who is near to him and hath had no husband, he may defile himself. [4]But he shall not defile himself for a sister betrothed to a husband,[j] so as to profane himself. No contact with dead except nearest of kin

[5]They shall not make bald spots on their heads, nor shave off the corners of their beards, nor make any cuttings in their flesh. [6]They shall be holy to their God, and not profane the name of their God; for the offerings made by fire to Jehovah, the food of their God, they do offer; therefore they must be holy. No bodily mutilation

[7]A priest shall not marry a woman who is a harlot or dishonored, nor shall he[k] marry a woman who has been divorced from her husband, for a priest is consecrated to his God. [8]Thou shalt regard him as sacred, therefore, for he offereth the food of thy God; thou shalt regard him as holy; for I, Jehovah, who sanctify them,[l] am holy. [9]If the daughter of a priest profane herself by playing the harlot, she profaneth her father; she shall be burnt with fire.' No social immorality

22 [1]Jehovah gave this command to Moses, [2]Speak to Aaron and his sons, that they keep themselves separate from the holy things of the Israelites, which they consecrate to me, and that they profane not my holy name: I am Jehovah. [3]Say to them, 'Any one among all your descendants throughout your generations, who approacheth the holy things, which the Israelites consecrate to Jehovah, while he is unclean, that person shall be cut off from before me: I am Jehovah. [4]No one of the descendants of Aaron who is a leper, or hath a discharge may eat of the holy things, until he become clean. Nor to defile holy things

Anyone, moreover, who toucheth a thing[m] that hath been made unclean by a dead body, or a man who hath an emission of semen, [5]or anyone who toucheth any swarming creature which may occasion uncleanness, or a man from whom any sort of uncleanness may be contracted; [6]the person who toucheth any such shall be unclean until evening and shall not eat of the holy things until he bathe his body in water. [7]When the sun is set he shall become clean; and afterward he may eat of the holy things, because they Cleansing for ceremonial defilement

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§ 164 The ceremonial cleanliness of the priests was rigorously insisted upon by most ancient religions. The Egyptian priests wore linen and were required to bathe twice each day. The Persian priests observed strict rules of ceremonial cleanliness, and even wore a cloth over their mouth while sacrificing, lest their breath might contaminate the sacrificial offering. Thus by the example of the powerful nations with which they came into contact, as well as by the dominant forces at work in their midst, post-exilic Judaism was led to place the emphasis more and more on external forms. The passages from the Holiness Code, as usual, bring the ethical *motifs* to the front.

[i] Lev. 21[1] *I. e.*, by participating in the funeral rites.

[j] Lev. 21[4] Heb., *being a chief man* (or *husband*) *among his people.* The text is evidently corrupt and the versions differ. The reading adopted, though by no means certain, seems the most probable restoration.

[k] Lev. 21[7] The Heb. has a pl. verb in this and the following clause.

[l] Lev. 21[8] So Gk. and Syr. Heb., *you.*

[m] Lev. 22[4] Or, *a person.*

Holiness Code

are his food. [8]That which dieth a natural death, or is torn by beasts, he may not eat so as to be made unclean by it: I am Jehovah. [9]So shall they observe my injunction. If they incur sin on account of some holy thing, and die in consequence of profaning it: I am Jehovah who sanctifieth them.'

Priestly Codes

To take no intoxicants

Lev. 10 [8]Jehovah gave this command to Aaron, [9]Drink no wine or strong drink, either thou or thy sons, when ye go into the tent of meeting, lest ye die; this shall be a statute forever throughout your generations.

Supplemental Priestly Codes

To refrain from mourning

Lev. 10 [6]Moses said to Aaron, and to Eleazar and to Ithamar, his sons, Do not unbind your heads[n] or rend your clothes, lest ye die, and he be angry with all the congregation; but your fellow countrymen, the whole house of Israel, may bewail the burning which Jehovah hath kindled.[o] [7]Ye shall not go out from the entrance of the tent of meeting, lest ye die, for the anointing oil of Jehovah is on you. Then they did according to the command of Moses.

To wash before officiating

Ex. 30 [17]Jehovah also gave this command to Moses, [18]Thou shalt make a laver of brass, with its base of brass, to be used for washing. Thou shalt put it between the tent of meeting and the altar, and thou shalt put water in it, [19]so that Aaron and his sons may wash their hands and their feet in it; [20]whenever they enter the tent of meeting, they shall wash with water, that they die not; or whenever they come near the altar to minister, to burn an offering made by fire to Jehovah. [21]So they shall wash their hands and their feet, that they die not. This shall be a statute forever for them, even for him and his descendants throughout their generations.

§ 165. Authority over Levites, Nu. 3[5, 6, 9], 18[1, 2a], 4[27]

Priestly Codes

Levites their servants

Nu. 3 [5]Jehovah spoke thus to Moses, [6]Bring the tribe of Levi near, and set them before Aaron the priest, that they may minister to him. [9]And the Israelites shall give the Levites to Aaron and to his sons; they shall be wholly given to him in behalf of the Israelites.

Nu. 18 [1]Jehovah said to Aaron, Thou and thy sons and thy fathers' house with thee shall bear the guilt of the sanctuary;[p] and thou and thy sons with thee shall bear the guilt of your priesthood. [2a]Thy kinsmen also, the tribe of Levi, the tribe of thy father, bring thou near with thee, that they may join themselves to thee and minister to thee.

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[n] Lev. 10[6] *I. e.*, by removing the turbans.

[o] Lev. 10[6] The reference is to the punishment of Aaron's sons, Nadab and Abihu, by fire from heaven because they had offered strange fire, [1-5].

[p] Nu. 18[1] *Guilt of the sanctuary, i. e.*, the consequences of guilt incurred in connection with the sanctuary; cf. similarly, *guilt of your priesthood.*

Supplemental Priestly Codes

4 ^{27}At the bidding of Aaron and his sons the Gershonites shall perform all their service in connection with all that they have to carry, and all that is in their care; ye shall assign to them by name[q] all the things committed to their charge to carry.

§ 166. Duties, Lev. 10$^{8a, 10, 11}$, Nu. 18$^{5, 7a}$, Lev. 2$^{1, 2}$ [$^{9, 14-16}$], 6^{6b-7} [$^{13, 14}$], Nu. 4$^{11 15a, 16}$

Priestly Codes

Lev. 10 ^{8a}Jehovah said to Aaron, ^{10}Thou and thy sons shall distinguish between the holy and the common, and between the unclean and the clean;[r] ^{11}and ye shall teach the Israelites all the statutes which Jehovah hath revealed to them through Moses. — To instruct the people

Nu. 18 ^{5}And ye shall have charge of the sanctuary[s] and the altar that wrath may never again come upon the Israelites. ^{7a}But thou and thy sons with thee shall limit the duties of your priestly office to everything about the altar and to that which is within the veil. — To officiate at the altar

Lev. 2 ^{1}When anyone offereth a cereal-offering as a gift to Jehovah, his gift shall be of fine meal; and he shall pour oil on it, and put frankincense on it. ^{2}Then he shall bring it to Aaron's sons the priests; and the priest shall take from it a handful of the fine meal and oil, with all the frankincense. Then as a memorial of the offering, the priest shall burn them on the altar, an offering made by fire, of an odor pleasing to Jehovah. — To present Jehovah's part of cereal-offering

Supplemental Priestly Codes

Lev. 6 ^{6b}If a man bring a guilt-offering to Jehovah, ^{7}the priest shall make atonement for him before Jehovah; and he shall be forgiven for anything which he may have done to incur guilt.[t] — Also guilt-offerings

Nu. 4 ^{11}Also over the golden altar the sons of Kohath shall spread a violet cloth, and cover it with a covering of Egyptian leather, and shall put in its staves.[u] ^{12}Then they shall take all the utensils of ministry which they use in ministering in the sanctuary, and put them in a violet cloth, and cover them with a covering of Egyptian leather, and put them on the frame. ^{13}They shall also take away the ashes from the altar, and spread a purple cloth over it; ^{14}and they shall put on it all the utensils of the altar which they use in ministering about it, the fire-pans, the fleshhooks, and the shovels, and the — To take charge of the altar and its utensils

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[q] Nu. 4^{27} So Gk. and cf. ^{30}. Heb. omits, *by name*.

§ 166 For the duties of the pre-exilic priests, cf. § 149, and of Ezek.'s priesthood, § 153. Their earlier functions as guardians of the oracle and as judges in civil as well as ceremonial cases have disappeared in the priestly codes, and instead their activity is limited to the care of the sanctuary and its sacrificial ritual, to the instruction of the people concerning their ceremonial duties, and to distinguishing between real and apparent cases of leprosy, cf. § 179.

[r] Lev. 10^{10} In its present form in the Heb. this law is only a broken fragment, loosely connected with its context. It probably was originally a priestly direction.

[s] Nu. 18^{5} Possibly the reference is to the oracle or holy of holies as elsewhere, but here it seems to include the sanctuary as a whole. Cf. for the context Vol. I, § 93.

[t] Lev. 6^{7} Lev. 14 also provides that the priests officiate in the sacrificial ceremony for the cleansing of lepers, cf. § 179.

[u] Nu. 4^{11} Vss. $^{11, 12, 16}$ are possibly later than the rest.

Supplemental Priestly Codes

basins, all the utensils of the altar; then they shall spread over it a covering of Egyptian leather, and put in its staves. [15a]When Aaron and his sons have finished covering the holy things,[v] and all the holy utensils,[w] as the camp is about to set forth, after that the sons of Kohath shall come to carry them, without, however, touching the holy things lest they die.

Summary of ceremonial duties

[16]Eleazar the son of Aaron the priest shall have charge of the oil for the light, and the fragrant incense, and the daily[x] cereal-offering, and the anointing oil; he shall have oversight over all the dwelling, and all that is in it, the holy things[y] and the utensils which go with them.[z]

§ 167. Means of Support, Lev. 23[15-20], Nu. 18[20], Lev. 7[11-14. 28-36] [37], 10[14. 15], Ex. 29[27. 28], Nu. 18[9. 10] [Lev. 6[24-26], 7[1-7], 5[11-13]], 6[14-18], 10[12. 13] [2[1-3]], 7[9. 10], Nu. 6[19. 20], 18[25-32], 5[9. 10], 18[11. 14. 19], 15[20. 21] [Lev. 27[1-29]], Nu. 18[12. 13. 15-18] [3[46-51]], Lev. 24[5-9a], Nu. 5[5-8], Lev. 7[8], Nu. 31[25-29]

Holiness Code

Offerings at the feast of weeks

Lev. 23 [15]Ye shall count from the day following the sabbath, from the day that ye bring the sheaf of the wave-offering seven full weeks; [16]until the day following the seventh sabbath shall ye count fifty days; then ye shall present a new cereal-offering to Jehovah. [17]Ye shall bring out of your dwellings two wave-loaves of two-tenths of an ephah; they shall be of fine meal, and they shall be baked with leaven, as firstfruits for Jehovah. [18]Ye shall present with the bread seven yearling lambs without blemish, and one young bullock, and two rams; they shall be a burnt-offering to Jehovah, with the accompanying cereal-offering and libations, an offering made by fire, of an odor pleasing to Jehovah. [19]Ye shall also offer one male goat as a sin-offering, and[a] two male lambs a year old as a sacrifice of peace-offerings. [20]Then the priest shall wave them with the bread of the firstfruits as a wave-offering before Jehovah, with the two lambs;[b] they shall be a holy gift for Jehovah and shall belong to the priest.

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[v] Nu. 4[15a] Or, *sanctuary.*
[w] Nu. 4[15a] Or, *utensils of the sanctuary.*
[x] Nu. 4[16] Heb., continual, cf. Lev. 6[13-15].
[y] Nu. 4[16] Or, *sanctuary and its utensils.*
[z] Nu. 4[16] This vs. was probably the latest addition to the chapter.

§ 167 The priestly codes provide a definite and greatly increased income for the priests. Instead of being subjects of individual charity, as under the Deuteronomic codes, the priests were now able to demand certain specific dues. Definite portions of every sacrifice that was offered went to them. The tithe of the tithe also added to their income. As already enacted by Ezek., all the special contributions and objects consecrated to Jehovah, § 153, fell to them. In addition the priestly laws provide that the money paid for the redemption of every firstborn in a family, the best portions of the olive oil and wine and the first ripe fruits as well as the first of the dough of every baking, should go to the priests. In this way they shared in the fruits of practically every form of labor in which the later Jews engaged. The supplemental laws further roll up their income by enacting that the hides of the animals sacrificed as burnt-offerings and a portion of all the spoils of war should belong to the priests.

[a] Lev. 23[18. 19a] The original animal sacrifice appears to have consisted simply of two lambs, [19]. This section was probably added by a scribe who had in mind Nu. 28[27-30], but who confused the numbers of rams and bullocks.

[b] Lev. 23[20] A very late interpolation.

Priestly Codes

Nu. 18 [20]Jehovah said to Aaron, Thou shalt have no inheritance in their land, nor shalt thou have any portion among them; I am thy portion and thy inheritance among the Israelites. No inheritance

Lev. 7 [11]This is the law concerning the sacrifice of peace-offerings, which one may offer to Jehovah: [12]if he offer it as a thank-offering, then he shall offer with the sacrifice of thanksgiving unleavened cakes mixed with oil, and unleavened wafers smeared with oil, and cakes mixed with oil, of fine meal well mixed. [13]With cakes of unleavened bread in addition to the sacrifice of his peace-offerings, which are given as a thank-offering, shall he present his gift. [14]And out of his offering he shall present one cake of each kind as a contribution to Jehovah; it shall belong to the priest who dasheth the blood of the peace-offerings.[c] Parts of the peace-offerings

[28]Jehovah gave this command to Moses: [29]Say to the Israelites, 'He who sacrificeth his peace-offerings to Jehovah shall bring his gift to Jehovah out of the peace-offerings which he sacrificeth.[d] [30]With his own hands he shall bring the offerings to be made by fire to Jehovah; the fat with the breast shall he bring, that the breast may be waved as a wave-offering before Jehovah. [31]The priest shall burn the fat on the altar; but the breast shall belong to Aaron and his sons. [32]And the right thigh shall ye give to the priest as a contribution out of the peace-offerings which ye sacrifice.[e] [33]He among the sons of Aaron who offereth the blood of the peace-offerings and the fat shall have the right thigh as his due. [34]For the wave-breast and the thigh that is set aside have I taken from the Israelites out of the peace-offerings which they sacrifice and have given them to Aaron the priest and his sons as their due forever from the Israelites.[f]

[35]This is the share[g] of Aaron, and the share of his sons, out of the offerings for Jehovah made by fire, in the day when Moses presented them to minister as priests to Jehovah, [36]which Jehovah commanded to be given by the Israelites on the day he anointed them. It is a statute forever throughout their generations.'

10 [14]Thou and thy sons and thy daughters with thee shall eat in a clean place the wave-breast and the thigh of the contribution, for they are given as thy due, and thy sons' due, out of the peace-offerings which the Israelites sacrifice. [15]The thigh of the contribution and the wave-breast shall they bring with the offerings of the fat made by fire to wave them as a wave-offering before Jehovah; they shall belong to thee and to thy sons as your due forever, as Jehovah hath commanded.[h] Of the private contributions

Ex. 29 [27]Thou shalt consecrate the breast of the wave-offering, and the thigh of the contribution, which is waved, and that which is contributed, of the ram of consecration, for Aaron and his sons; [28]and they shall belong to

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[c] Lev. 7[11-14] The form and contents of this passage indicate that it is from the priestly directions.

[d] Lev. 7[28-33] These vss. are evidently a supplement to the preceding priestly directions. They probably come, however, from the author of the priestly groundwork, cf. Introd., pp. 44, 45.

[e] Lev. 7[32] Possibly a gloss.

[f] Lev. 7[34] This vs. has the characteristics of the latest priestly editors.

[g] Lev. 7[35] This word has been confused with one etymologically similar which means *anointing portion*, and this confusion has led to a gloss in [36], *on the day that he anointed them*. Vss. [35, 36] may also be later additions to [11-14].

[h] Lev. 10[15] Probably a still later gloss.

Priestly Code

Aaron and his sons as their due forever from the Israelites; for it is a contribution; and it shall be a contribution from the Israelites out of the peace-offerings which they sacrifice, even their contribution to Jehovah.

Nu. 18 [9]This shall be thy share of the most holy things, reserved from the fire: all their gifts, even all their cereal-offerings, all their sin-offerings, and all their guilt-offerings, with which they make restitution to me, shall be held most sacred by thee and thy sons. [10]In a most holy place shalt thou eat it; every male shall eat it; it shall be held sacred by thee.

Of the cereal-offerings

Lev. 6 [14]This is the law concerning the cereal-offering: the sons of Aaron[i] shall offer it before Jehovah, in front of the altar. [15]And he shall take up a handful of the fine meal of the cereal-offering, and of the oil, and of the frankincense which is upon the cereal-offering, and shall burn it on the altar as an offering made by fire[j] of pleasing odor, as a memorial[k] to Jehovah. [16]The rest of it Aaron and his sons shall eat; it shall be eaten unleavened in a holy place; in the court of the tent of meeting they shall eat it. [17]It shall not be baked with leaven. I have given it as their portion of my offerings made by fire; like the sin-offering, and the guilt-offering, it is most holy. [18]Any male among the sons of Aaron may eat of it, as his everlasting due throughout your generations, from the offerings made by fire to Jehovah; but any layman who toucheth these offerings shall become holy.[l]

Supplemental Priestly Codes

Lev. 10 [12]Then Moses gave command to Aaron, and to Eleazar and Ithamar, his sons who were left to him, Take the cereal-offering that is left over from the offerings made by fire to Jehovah and eat it unleavened beside the altar; for it is most holy.[m] [13]And ye shall eat it in a holy place, for it is thy due and thy sons' due of the offerings of Jehovah made by fire; for thus I am commanded.

7 [9]Every cereal-offering that is baked in the oven, and whatever is prepared in the stew-pan or on the griddle shall belong to the priest who offereth it.[n] [10]But every cereal-offering, whether mixed with oil or dry, shall belong to the sons of Aaron, to all alike.

Priestly Codes

Of the Nazirite offering

Nu. 6 [19]The priest shall take the boiled shoulder of the ram, and one unleavened cake from the basket, and one unleavened wafer, and shall lay them on the hands of the Nazirite, after he hath shaved off the evidence of his separation.[o] [20]Then the priest shall wave them as a wave-offering

[i] Lev. 6[14] The subsequent context indicates that this is a later insertion. The passage is from the priestly directions.
[j] Lev. 6[15] So Gk. and Sam. Heb., *as a pleasing odor*, cf. 1[9] and 2[2].
[k] Lev. 6[15] *As a memorial*, possibly secondary, interrupting the usual form of expression.
[l] Lev. 6[18] Lit., *whoever toucheth them shall be holy, i. e.*, infected with holiness, tabooed from any common occupation.
[m] Lev. 10[12] This vs. incorporates earlier data in a very late setting.
[n] Lev. 7[9] Possibly this vs. is also one of the later additions to the priestly codes.
[o] Nu. 6[19] Lit., *his separation, i. e.*, shaved off his hair which hitherto had symbolized his Naziriteship.

Priestly Code

before Jehovah; this is a holy gift for the priest, together with the wave-breast and thigh of the contribution; after this the Nazirite may drink wine.

18 [25]Jehovah gave this command to Moses, [26]Thou shalt speak to the Levites and say to them, 'When ye take from the Israelites the tithe which I have granted you from them as your inheritance, ye shall make a contribution from it to Jehovah, a tithe of the tithe. [27]Your contribution shall be accredited to you as though it were the grain of the threshing-floor and as the full produce of the winepress. [28]Thus ye also shall make a contribution to Jehovah of all your tithes which ye receive from the Israelites; and out of them ye shall give Jehovah's full contribution to Aaron the priest. [29]Out of all your gifts ye shall make the full contribution due to Jehovah, even the consecrated parts of these gifts, selecting it from the best of them.' [30]Therefore say to them, 'When ye have contributed from your gifts the best part[p] of them, the rest shall be reckoned to the Levites as the produce of the threshing-floor and of the winepress. [31]Ye may eat it anywhere, ye and your families, for it is your reward in return for your service in the tent of meeting. [32]When ye have made a contribution from the best of your tithes, ye shall incur no guilt on account of it; ye shall not profane the holy things of the Israelites, lest ye die.' A tithe of all the tithes

5 [9]Every contribution, even all the holy things of the Israelites, which they present to the priest, shall be his; [10]and as for every man's consecrated things, they shall belong to the priest;[q] whatever any man giveth to the priest, his shall it be.

18 [11]This is thine: the contribution from their gift, including all the wave-offerings of the Israelites; I have given them to thee, and to thy sons, and to thy daughters with thee, as an everlasting due; every one who is clean in thy family may eat of it. [14]Everything devoted in Israel shall be thine. [19]All the contributions, which the Israelites make to Jehovah from the holy things have I given thee and thy sons and thy daughters with thee, as an everlasting due; it is an inviolable covenant[r] forever before Jehovah for thee and for thy descendants with thee.[s] All special contributions

15 [20]Of the first of your dough ye shall offer a cake as a contribution; as ye offer the contribution from the threshing-floor, so shall ye contribute it. [21]Of the first of your dough ye shall give to Jehovah a contribution throughout your generations.

18 [12]All the best[t] of the oil, and all the best[t] of the new wine, and of the grain, the firstfruits of them which they give to Jehovah, to thee have I given them, [13]the first-ripe fruits of all that is in their land, which they bring to Jehovah, shall be thine; every one who is clean in thy family may eat of it. First-fruits of the ground

[15]Everything that openeth the womb of all flesh which they offer to Je-

[p] Nu. 18[30] Lit., *fat.*
[q] Nu. 5[9] Heb., *be his.*
[r] Nu. 18[19] Lit., *covenant of salt.* The root idea is that those who share the same food, are bound not only to refrain from injuring each other, but to help each other whenever occasion may demand.
[s] Nu. 18[14, 19] This law is developed in Lev. 27[1-29] where the different gifts vowed or dedicated to Jehovah are specified. Cf. § 193.
[t] Nu. 18[12] Lit., *fat.*

Priestly Codes

First-born of family, herd, and flock

hovah, both of man and beast shall be thine; only for the first-born of man thou shalt receive a ransom, and for the firstling of an unclean animal thou shalt receive a ransom.[u] [16]At a month old thou shalt receive its[v] ransom price according to thy valuation, the sum of five shekels, after the shekel of the sanctuary, which contains twenty gerahs. [17]But for the first-born of a cow, or the first-born of a sheep, or the first-born of a goat, thou shalt not receive a ransom; they are holy; thou shalt dash their blood against the altar, and burn their fat as an offering made by fire, of an odor pleasing to Jehovah. [18]Their flesh shall be thine; like the wave-breast and the right thigh, it shall be thine.

Show-bread

Lev. 24 [5]Thou shalt take fine meal and bake twelve cakes of it, with two-tenths of an ephah in each cake. [6]Thou shalt set them in two rows, six in a row, upon the table of pure gold[w] before Jehovah. [7]Thou shalt put pure frankincense upon each row, to serve as a memorial of the bread, an offering made by fire to Jehovah. [8]Every sabbath day the priest shall set it in order before Jehovah regularly; it is offered in behalf of the Israelites, in token of an everlasting covenant. [9a]It shall belong to Aaron and his sons; they shall eat it in a holy place, for it is most holy.

Supplemental Priestly Codes

Guilt-offerings

Nu. 5 [5]Jehovah gave this command to Moses: [6]Say to the Israelites, 'When a man or woman shall commit any sin such as men commit,[x] in breaking faith[a] with Jehovah, and that person shall so incur guilt, [7]he shall confess the sin which he hath committed,[b] and shall restore in full that which he holds wrongfully,[c] and shall add a fifth to it, and give it to him by wronging whom he hath incurred guilt. [8]But if the man have no kinsman to whom the property wrongfully held may be restored, the property wrongfully held must be restored to Jehovah; the priest shall have it; besides the ram of the atonement, with which atonement is made for him.'

Hide of the burnt-offerings

Lev. 7 [8]As for the priest, who offereth any man's burnt-offering, he shall have as his own the hide of the burnt-offering which he hath offered.

Part of the spoils of war

Nu. 31 [25]Jehovah gave this command to Moses: [26]Make an estimate of the booty that was taken, both man and beast, thou, and Eleazar the priest, and the heads of the fathers' houses of the congregation; [27]and divide the booty into two parts, between the men skilled in war, who went out to battle, and all the rest of the congregation. [28]Then levy a contribution for Jehovah upon the warriors who went out to battle: one in every five hundred, of the persons, and of the oxen, and of the asses, and of the flocks; [29]take it from their half and give it to Eleazar the priest as a special contribution to Jehovah.

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[u] Nu. 18[15] Lit., *thou shalt ransom.* The Heb. word is probably wrongly pointed.
[v] Nu. 18[16] *Its* clearly refers to the first-born of man alone.
[w] Lev. 24[6] Lit., *pure table.*
[x] Nu. 5[6] Or, *against men.*
[a] Nu. 5[6] Or, *and so break faith.*
[b] Nu. 5[7] Heb., *they shall confess their sin which they have committed.*
[c] Nu. 5[7] Or, *make restitution for his guilt.* Lit., *restore his guilt.* The word here used ordinarily means *guilt-offering;* and only here and in [8] has it the meaning indicated in the translation.

IV

THE HIGH PRIEST

§ 168. Installation, Ex. 29⁵⁻⁷, 40¹², ¹³ [Lev. 8⁷⁻¹²]

Priestly Codes

Ex. 29 ⁵Thou shalt take the garments, and clothe Aaron with the tunic, and the robe of the ephod, and the ephod, and the breastplate, and gird him with the skillfully wrought band of the ephod; ⁶and thou shalt set the turban on his head, and put the holy crown upon the turban. ⁷Then thou shalt take the anointing oil, and pour it on his head, and anoint him. Investiture and anointing

Supplemental Priestly Codes

Ex. 40 ¹²Thou shalt bring Aaron and his sons to the entrance of the tent of meeting, and shalt wash them with water. ¹³Then thou shalt clothe Aaron with the holy garments; and thou shalt anoint him, and consecrate him, that he may minister to me in the priest's office.

§ 169. Clothing, Ex. 28¹⁻³⁹, 29²⁹, ³⁰ [39¹⁻³⁹]

Priestly Codes

Ex. 28 ¹Bring thou near to thee Aaron thy brother, and his sons with him, from among the Israelites, that he may minister to me in the priest's office, even Aaron, Nadab and Abihu, Eleazar and Ithamar, Aaron's sons. ²Thou shalt make holy garments for Aaron thy brother, as splendid adornments; ³and thou shalt give command to all who are gifted, whom I have filled with the spirit of wisdom,[a] that they make Aaron's garments to consecrate him, that he may minister to me in the priest's office. ⁴And these are the garments which they shall make: a breastplate, and an ephod, and a robe,[b] and a tunic of checker work, a turban and a sash; thus they shall make holy garments for Aaron thy brother, and his sons, that he may minister to me in the priest's office. ⁵They shall use thread of gold, and violet, and purple, and red cloth, and fine linen. Preparation

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The High Priest.—From the days of Solomon a chief priest was ever to be found, except during the Bab. exile, at the head of the Jerusalem priesthood. The names of some of the pre-exilic officials are known: Zadok, Jehoida and Hilkiah. Their title appears in the later pre-exilic literature to have always been *chief priest*. The same designation is used in the Holiness Code. The title *high priest* is peculiar to the post-exilic priestly literature, and is suggestive of the exalted civil and religious authority exercised by the high priests who reigned over the sacred temple and the Jewish community that gathered about it. The exile brought the religious leaders of the Jewish race into close contact with the Babylonians and Egyptians among whom the high priests enjoyed similar commanding authority. It is probable, therefore, that many of the elements in the later Jewish regulations regarding the high priest were suggested by the example of these powerful nations.

§ 169 The high priest was in later Judaism the representative of the Heb. kings, as well as the head and crown of the hierarchy. His costume when officiating as the high priest of the nation was correspondingly regal. Each article of his clothing and adornment suggested its sacred symbolic meaning. The exact meaning of many of the Heb. words employed in the description is doubtful.

[a] Ex. 28³ Lit., *wise of mind.*
[b] Ex. 28⁴ Or, *mantle.*

Priestly Codes

Shoulder-cape

[6]They shall also make the ephod of gold, of violet, and purple, and red cloth, and fine twisted linen, with skillful workmanship.[c] [7]It shall have two shoulder-pieces fastened together, that it may be held together at the two ends.[d] [8]The skillfully wrought band, which is upon it, with which to gird it on, shall be of like workmanship and of the same piece with it, of gold, and violet, and purple, and red cloth, and fine twisted linen. [9]Thou shalt also take two onyx stones[e] and engrave on them the names of the sons of Israel: [10]six of their names on the one stone, and the names of the remaining six on the other stone, in the order of their birth. [11]With the workmanship of an engraver in stone shalt thou engrave the two stones, with the names of the sons of Israel; thou shalt make them enclosed in settings of woven gold thread. [12]Thou shalt fasten the two stones on the shoulder-pieces of the ephod, as stones of memorial for the Israelites; thus Aaron shall bear their names before Jehovah on his two shoulders as a memorial. [13]Thou shalt also make settings of braided gold thread, [14]and two chains of pure gold; like cords shalt thou make them, well twisted; and thou shalt attach the corded chains to the settings.

Jewelled breastplate

[15]Thou shalt make a breastplate of judgment,[f] skillfully wrought; of like workmanship with the ephod thou shalt make it; of gold, of blue, and purple, and violet, and fine twisted linen, shalt thou make it. [16]It shall be square and folded double, a span long, and a span wide. [17]Thou shalt insert in it a setting of stones, four rows of stones; a row of carnelian, topaz, and emerald shall be the first row; [18]and the second row shall contain a ruby,[g] a sapphire, and a jasper; [19]and the third row a jacinth,[h] an agate, and an amethyst; [20]and the fourth row a chrysalite,[i] and a beryl, and an onyx; they shall be interwoven with gold thread in their settings. [21]The stones shall correspond to the names of the sons of Israel, twelve according to their names; as a seal is engraved with one's name, they shall stand for the twelve tribes. [22]Thou shalt make upon the breastplate cordlike chains, well twisted, of pure gold.[j] [23]Thou shalt make upon the breastplate two rings of gold, and shalt attach the two rings at the two ends of the breastplate. [24]Then thou shalt put the two corded chains of gold in the two rings at the ends of the breastplate. [25]And the other two ends of the corded chains thou shalt attach to the two settings, thus sewing them to the shoulder-pieces of the ephod at the front of it. [26]Thou shalt also make two rings of gold, and attach them at the two ends of the breastplate, at the inner edge of it, which is toward the side facing the ephod.[k] [27]Thou shalt also make two rings of

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[c] Ex. 28[6] Lit., *the work of a skillful workman.*
[d] Ex. 28[7] The text is not clear.
[e] Ex. 28[9] Or, *beryl*, or *malachite.* Some gem, but just what kind is uncertain.
[f] Ex. 28[15] Or, *pouch to hold the oracle.*
[g] Ex. 28[18] Or, *carbuncle . . . onyx.*
[h] Ex. 28[19] Or, *amber*, or *carbuncle.*
[i] Ex. 28[20] Or, *yellow jasper, . . . onyx . . . jasper.*
[j] Ex. 28[22] Possibly a gloss; it is unnecessary after [14].
[k] Ex. 28[22-30] The Gk. has a shorter and variant text for [22-30], omitting [23, 26-28], and [25a], placing [29] before [24], and omitting all mention of rings. The Gk. also represents the breastplate as suspended by two corded chains. Neither the Heb. or Gk. are satisfactory. Behind both lies apparently a description of the breastplate hung by golden chains fastened to it, with

Priestly Codes

gold, and attach them to the two shoulder-pieces of the ephod underneath, at the front of it, close to the place of joining, above the skillfully wrought band of the ephod. [28]The breastplate shall be secured by its rings to the rings of the ephod with a violet cord, so that it will be over the skillfully woven band of the ephod, and that the breastplate may not hang loose from the ephod. [29]Aaron shall bear the names of the Israelites in the breastplate of judgment upon his heart, when he goeth in to the holy place, as a memorial before Jehovah continually. [30]Thou shalt put inside the breastplate of judgment the Urim and the Thummim;[l] that they may be upon Aaron's heart, when he goeth in before Jehovah; thus Aaron shall bear the judicial decisions of the Israelites upon his heart before Jehovah continually.

Robe

[31]Thou shalt make the robe of the ephod all of violet. [32]There shall be an opening at the top,[m] in the middle of it, with woven work about the opening, as in the case of a coat of mail,[n] that it be not torn. [33]On the lower edge of it thou shalt make pomegranates of violet, and purple, and red, round about the border of it; and bells[o] of gold between them round about, [34]a golden bell and a pomegranate, on the border of the robe round about. [35]And Aaron shall wear it while ministering; and the sound of it shall be heard when he goeth in to the holy place before Jehovah, and when he cometh out, that he die not.

Diadem or mitre

[36]Thou shalt make a diadem of pure gold and engrave on it, HOLY TO JEHOVAH. [37]Thou shalt attach to it a violet cord to secure it to the turban; at the front of the turban shall it be. [38]It shall be upon Aaron's forehead, and Aaron shall be responsible for the holy things, which the Israelites consecrate, for all their holy gifts; it shall be always upon his forehead, that they may be accepted before Jehovah. [39]Thou shalt weave the tunic of fine linen in checker work; and thou shalt make a turban of fine linen, and thou shalt make a sash of embroidered work.

Rules for use

29 [29]And the holy garments of Aaron shall be for his sons after him, in which to be anointed and installed. [30]Seven days shall the son who becometh high priest in his place put them on, when he cometh into the tent of meeting to minister in the holy place.

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their other ends made fast to the settings on the shoulder-pieces. The Heb. of [25] makes the settings separate from the shoulder-pieces, thus differing from the earlier description. This may be accounted for by supposing that the reference to the onyx stones, with their inscriptions corresponding to the twelve stones in the breastplate, is a later addition. Otherwise the Heb. is fairly consistent and intelligible.

[l] Ex. 28[30] Lit., *the lights and the perfections.* For the earlier oracular use of these, cf. I Sam. 14[41, 42] (Gk.), Vol. II, § 7. Originally they appear to have been two stones used in casting the sacred lot to determine the divine will. Possibly they were still employed by the high priest in the same way; or they may have been simply worn by him when rendering sacred decisions, as symbols of his divine authority.

[m] Ex. 28[32] Or, *there shall be an opening for the head.*

[n] Ex. 28[32] Lit., *like the opening of a coat of mail.*

[o] Ex. 28[33] These bells are probably a survival from a more primitive period when they were deemed necessary to keep away the evil spirits.

§ 170. Ceremonial Cleanliness, Lev. 21[10-15], 10[8, 9]

Holiness Code

Limitations

Lev. 21 [10]The priest who is chief among his brethren, on whose head the anointing oil has been poured, and who has been installed, so as to put on the garments,[p] shall not unbind his head[q] or rend his clothes, [11]nor shall he go in to any dead body, or defile himself for his father or for his mother; [12]neither shall he go out of the sanctuary nor profane the sanctuary of his God; for the consecration imparted by the anointing oil of his God is upon him: I am Jehovah.

Marriage

[13]He shall take a virgin as his wife. [14]A widow, a divorced woman, or a dishonored woman, or a harlot, such he shall not take; but a virgin of his own father's kin shall he take as his wife, [15]that he may not make his descendants dishonored among his father's kin: I am Jehovah who sanctifieth him.

Priestly Codes

No intoxicants

Lev. 10 [8]Jehovah gave this command to Aaron, [9]Drink no wine or strong drink, either thou or thy sons, when ye go into the tent of meeting, lest ye die; this shall be a statute forever throughout your generations.

§171. Duties, Lev. 16[32-34a [1-31]], Ex. 28[29, 30], 30[10], Lev. 6[19-22], Ex. 30[7, 8]

Priestly Codes

On the day of atonement

Lev. 16 [32]The high priest, who shall be anointed and installed as priest in his father's place, shall make the atonement, and shall put on the holy

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§ 170 Because of his superlatively sacred office and functions, especial sanctity was required of the high priest: he must always marry only a virgin and was absolutely debarred from coming into contact with a corpse, even though it be of his nearest kinsmen. This regulation appears to have applied also to the pre-exilic chief priests, as its presence in the Holiness Code suggests.

[p] Lev. 21[10] This is perhaps a later gloss.

[q] Lev. 21[10] *I. e.*, remove his turban.

§ 171 The duties of the high priest as prescribed by the O.T. law, consisted simply in making the annual offering within the temple on the great day of atonement; for the details of this law cf. § 221. He was also under obligation to care for the lamps in the temple, to provide for the daily morning and evening sacrifice, cf. § 208, and to furnish the special daily offering for himself and the priests. Josephus states that the high priest officiated in person only on the feasts and sabbaths, *Ant.* III, 2[57]. From Nu. 27[21] it may also be inferred that, as in the pre-exilic times, he had charge of the sacred oracle. As a matter of fact the high priest was responsible for the organization and direction of the entire ritual and temple corps.

Ben Sira has preserved a vivid and highly colored picture of a certain high priest, Simon of the Greek period, 50[5, 6, 11-21]. The occasion was probably the service on the day of atonement.

[5]*How glorious was he when he looked forth from the temple,*
At his coming forth out of the sanctuary!
[6]*As the morning star in the midst of a cloud,*
As the full moon on the day of the passover feast!
[11]*When he put on the robe of glory,*
And clothed himself with the splendid garments
And ascended to the holy altar,
He made glorious the precincts of the sanctuary.
[12]*And when he received the portions from the priests' hands,*
Himself also standing by the altar-hearth,
His brethren as a garland round about him,
He was as a young cedar on Mount Lebanon,

Priestly Codes

linen garments; [33]and he shall make atonement for the holy sanctuary; and he shall make atonement for the tent of meeting, and for the altar; and he shall make atonement for the priests, and for all the people of the assembly. [34a]And this shall be an everlasting statute for you, that atonement be made for the Israelites because of all their sins once every year.

Ex. 28 [29]Aaron shall bear the names of the Israelites in the breastplate of judgment upon his heart, when he goeth in to the holy place, as a memorial before Jehovah continually. [30]Thou shalt put inside the breastplate of judgment the Urim and the Thummim; that they may be upon Aaron's heart, when he goeth in before Jehovah; thus Aaron shall bear the judicial decisions of the Israelites upon his heart before Jehovah continually.

Supplemental Priestly Codes

Ex. 30 [10]Aaron shall make atonement on the horns of the altar of incense once a year; with the blood of the sin-offering for atonement; once a year shall he make atonement upon it throughout your generations; it is most holy to Jehovah.

Lev. 6 [19]Jehovah spoke thus to Moses,[r] [20]This is the offering of Aaron and of his sons, which they shall offer to Jehovah on the day when he is anointed:[s] a tenth of an ephah of fine meal as a cereal-offering regularly, half of it in the morning, and half of it in the evening. [21]On a flat plate it shall be prepared with oil; when it is soaked, he shall[t] bring it in. He shall break in pieces[u] the cereal-offering and shall offer it as an odor pleasing to Jehovah. [22]The anointed priest from among Aaron's descend- Daily offerings

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And as stems of palm trees they encompassed him about,
[13]*All the sons of Aaron in their glory,*
With Jehovah's burnt-offering in their hands,
In the presence of all the congregation of Israel,
[14]*Until he had finished the service at the altar,*
And the offering to the Most High, the Almighty.
[15]*He stretched out his hand to the cup,*
And poured out the blood of the grape;
He poured it out at the foot of the altar,
A sweet-smelling savor to the Most High, the King of all.
[16]*Then shouted the sons of Aaron,*
They blew on the trumpets of beaten work,
They blew and sent forth a mighty blast,
As a remembrance before the Most High.
[17]*Then all the people together hasted,*
They fell down with their faces to the ground,
To worship their Lord, the Almighty, God Most High.
[18]*The singers also praised him with their voices;*
In the whole house was there made sweet melody.
[19]*And the people besought the Lord Most High,*
In prayer before him who is merciful,
Until the service at the altar was ended;
And his due had been rendered to him.
[20]*Then the high priest went down and lifted up his hands,*
Over the whole congregation of the Israelites
To give blessing to the Lord with his lips,
And to glory in his name.
[21]*And he bowed himself down the second time,*
To pronounce the blessing from the Most High.

[r] Lev. 6[19] Heb. 6[12].
[s] Lev. 6[20] This clause is inconsistent with the last half of the vs. and is evidently a gloss.
[t] Lev. 6[21] Heb., *thou shalt*, a scribal error due to the misreading of the previous verb.
[u] Lev. 6[21] Syr., *thou shalt break it in pieces.* The Heb. is corrupt, and the rendering given is not certain

Supplemental Priestly Codes

ants, who shall minister in his place, shall offer it; all of it shall be burnt as an everlasting due to Jehovah.

Incense and lamps

Ex. 30 [7]On the altar of incense Aaron shall burn incense of sweet spices; each morning, when he taketh care of the lamps, he shall burn it. [8]When Aaron setteth the lamps in place towards evening, he shall burn it as a perpetual incense before Jehovah throughout your generations.

E

REGULATIONS REGARDING CEREMONIAL CLEANLINESS

I

FOOD

§ 172. Clean and Unclean Animals, Birds and Insects, Dt. 14[3-20], Lev. 20[25, 26], 11[1-23, 26, 27, 29, 30, 41-44a, 44b-47]

Deuteronomic Codes

Animals suitable for food

Dt. 14 [3]Thou shalt not eat any abominable thing. [4]These are the beasts which ye may eat: the ox, the sheep, the goat, [5]the hart, the gazelle, the roebuck, the wild goat, the addax,[a] the antelope, and the mountain sheep. [6]And every beast that parteth the hoof and cleaveth the cleft of the two hoofs and cheweth the cud[b] among the beasts, that ye may eat. [7]Never-

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Regulations Regarding Ceremonial Cleanliness.—An exalted conception of the holiness and perfection of the Deity underlies all the ceremonial laws. A holy and perfect God must be worshipped by a holy and perfect people. A prophet like Isaiah defined holiness and perfection in moral terms, cf. Is. 6; but Israel's priests, in common with those of Babylonia, where much the same ceremonial laws obtained, sought to give objective and concrete expression to the principle of purity and perfection. As has been already noted, the Bab, exile gave a great impetus to this tendency, which, however, is traceable to the very beginnings of human history. The same general distinctions between clean and unclean food, the same general conceptions of defilement through contact with things ceremonially unclean, and the same emphasis upon the special purity of the priesthood were shared in common by the early Semitic peoples. Natural aversion at once explains why many things, as for example men afflicted with loathsome leprosy, were classified as unclean. All that suggested death or corruption had no place in the presence of the Holy One. Possibly an intuitive sense also led the Israelites to place certain diseases and unsanitary practices under the ban. In some cases primitive totemistic ideas doubtless underlie even the later laws.

§ 172 The belief in the sanctity of the blood, which was regarded as the life of the animal, evidently explains why many of these animals were classified as unclean. Since blood was sacred to the Deity, no Israelite was allowed to eat it. Hence all animals mangled or dying a natural death, and therefore retaining their blood in their veins were unfit for food. The same was true of all beasts and birds of prey. Scavengers were classified as unclean for the same reason and because of their loathsome habits. These were excluded by the law concerning non-ruminating animals. The basis of the prohibition against ruminating animals which do not part the cleft hoof is not so clear. The camel may have been thus excluded either because of its great value, or more probably, because it was regarded as sacred among the early Arabs. The hare and the rock-badger may have been prohibited because their flesh or habits were repulsive to the Hebrews. The principle of natural aversion is evidently operative in the case of fish and insects, explaining why the eel and all swarming things are placed under the ban. The exception in the case of locusts is clearly a concession to prevailing usage. Evidently both the list in Dt. 14 and its close parallel in Lev. 11 are based on still earlier usage and may well be derived from an earlier written source. Possibly the passage in Lev. 11 originally belonged to the Holiness Code. It has been supplemented in the latter part of the chapter [26-44a], for these vss. are in part duplicates of [1-23].

[a] Dt. 14[5] Gk., pygarg, followed by the English versions.

[b] Dt. 14[6] Lit., *bringeth up the cud*.

Deuteronomic Codes

theless these ye shall not eat of those that chew the cud or of those that part the cleft hoof: the camel, the hare, and the rock-badger, because they chew the cud but do not part the hoof; they are unclean to you. 8And the swine, because he parteth the hoof but cheweth not the cud, he is unclean to you. Of their flesh ye shall not eat, and their carcasses ye shall not touch.

9These ye may eat of all that are in the waters: whatever hath fins and Fish
scales may ye eat; 10and whatever hath not fins and scales ye shall not eat;
it is unclean to you.

11Of all clean birds ye may eat. 12But these are they of which ye shall Birds
not eat: the griffon-vulture,[c] the bearded-eagle, the ospray, 13the falcon,[d]
and the kite after its kind, 14and every raven after its kind, 15and the ostrich,
the night-hawk, the sea-mew, and the hawk after its kind, 16the little owl, the
great owl, the horned owl,[e] 17the pelican, the carrion-vulture, the cormorant,
18the stork, and the heron after its kind, and the hoopoe and the bat.

19And all winged swarming creatures are unclean to you; they shall not be Insects
eaten. 20Of all clean winged creatures ye may eat.

Holiness Code

Lev. 20 25Ye shall make a distinction between the clean beast and the General
unclean, and between the unclean fowl and the clean; and ye shall not make rules
yourselves abominable with beast, or by bird, or by anything with which
the ground teemeth, which I have distinguished for you as unclean. 26But
ye shall be holy to me; for I, Jehovah, am holy, and have distinguished you
from the peoples, that ye should be mine.

Priestly Codes

Lev. 11 1Jehovah gave this command to Moses and Aaron: 2Say to the Ani-
Israelites, 'These are the living things which ye may eat among all the beasts mals
that are on the earth: 3whatever parteth the hoof, and cleaveth the cleft
of the hoofs, that cheweth the cud among the beasts, that ye may eat. 4Nev-
ertheless these shall ye not eat of those that chew the cud, or of those that
part the hoof: the camel, because he cheweth the cud but parteth not the
hoof, he is unclean to you; 5and the rock-badger, because he cheweth the
cud but parteth not the hoof, he is unclean to you; 6and the hare, because
she cheweth the cud but parteth not the hoof, she is unclean to you; 7and
the swine, because he parteth the hoof, and cleaveth the cleft of the hoof,
but cheweth not the cud, he is unclean to you. 8Of their flesh ye shall not
eat, and their carcasses ye shall not touch; they are unclean to you.

9These ye may eat of all that are in the waters: whatever in the waters, Fish
in the seas, and in the rivers, hath fins and scales, ye may eat. 10But all

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[c] Dt. 14¹² The Heb. word poetically translated, *eagle*, clearly refers to the griffon-vulture (cf. Mi. 1¹⁶, Job 39³⁰, Mt. 24²⁸), which is exceedingly common in Palestine.

[d] Dt. 14¹³ So Gk. and Sam., supported by the close parallel in Lev. 11. A scribal corruption has crept into the Heb.

[e] Dt. 14¹⁶ Gk., *water hen*, or *ibis*.

Priestly Codes

that have not fins and scales, in the seas, and in the rivers, of all that move in the waters, and of all the living creatures that are in the waters, they are detestable to you, [11]and they shall be detestable[f] to you; ye shall not eat of their flesh, and their carcasses ye shall detest. [12]Whatever in the waters hath no fins nor scales is detestable to you.

Birds

[13]And these ye shall detest among the birds; they shall not be eaten, they are: the griffon-vulture, and the bearded-vulture, the ospray, [14]the kite, and the falcon after its kind, [15]every raven after its kind, [16]and the ostrich, the night-hawk, the sea-mew, and the hawk after its kind, [17]and the little owl, the cormorant, the great owl, [18]the horned owl, the pelican, the carrion vulture, [19]the stork, the heron after its kind, the hoopoe and the bat.

Small animals and insects

[20]All winged swarming things that go upon all fours are detestable to you. [21]Yet these may ye eat of all winged swarming things that go upon all fours, which have legs above their feet, with which to leap upon the earth; [22]even these of them ye may eat: the locust after its kind, and the bald locust after its kind, and the cricket after its kind, and the grasshopper after its kind. [23]But all winged swarming things, which have four feet, are an abomination to you.

[44b]Neither shall ye defile yourselves with any kind of swarming thing that moveth upon the earth. [45]For I am Jehovah that brought you out of the land of Egypt, to be your God: ye shall therefore be holy, for I am holy.

Résumé

[46]This is the law of the beast, and of the bird, and of every living creature that moveth in the waters, and of every creature that swarmeth upon the earth, [47]to make a distinction between the unclean and the clean, and between the living thing that may be eaten and the living thing that may not be eaten.'

Supplemental Priestly Codes

Animals

Lev. 11 [26]'Every beast which parteth the hoof, but cleaveth not the cleft of the foot, nor cheweth the cud, is unclean to you; every one who toucheth them shall be unclean. [27]And whatever goeth upon its paws, of all beasts that go on all fours, is unclean to you; whoever toucheth their carcass shall be unclean until evening; they are unclean to you.

Small animals and insects

[29]And these are they which are unclean to you among the swarming creatures that swarm upon the earth: the weasel, the mouse, the great lizard after its kind, [30]and the gecko, the land-crocodile, and the chameleon. [41]And every swarming creature that swarmeth upon the earth is detestable; it shall not be eaten. [42]Whatever goeth on the belly, and whatever goeth on all fours, or whatever hath many feet, even all swarming creatures that swarm upon the earth, ye shall not eat, for they are detestable. [43]Ye shall not make yourselves detestable with any swarming creatures that swarmeth, neither shall ye make yourselves unclean with them, that ye should be defiled thereby. [44a]For I am Jehovah your God: sanctify yourselves therefore, and be ye holy; for I am holy.'

[f] Lev. 11[11] Lit., *a detestation.*

§ 173. **Blood and Fat**, Dt. 12$^{23-25}$ [^{16}, 15^{23}], Lev. 19^{26a}, 17$^{10-14}$, 3^{17}, 7^{23b-25} [^{26}], Gen. 9^{4}

Deuteronomic Code

Dt. 12 ^{23}Firmly resist the temptation[g] to eat the blood; for the blood is the life, and thou shalt not eat the life with the flesh. ^{24}Thou shalt not eat it; thou shalt pour it out on the earth as water.[h] ^{25}Thou shalt not eat it, that it may go well with thee and with thy children after thee, in case thou doest that which is right in the sight of Jehovah. Reason for not eating blood

Holiness Code

Lev. 19 ^{26a}Ye shall not eat anything with the blood.

17 ^{10}If any man of the house of Israel or of the aliens residing among them, eateth of any blood, I will set my face against him and will cut him off from among his people. ^{11}For the life of the flesh is in the blood; and I have given it to you upon the altar to make atonement for your souls; for it is the blood that maketh atonement by means of the life[i] *in it*. ^{12}Therefore I have said to the Israelites, None of you shall eat blood, neither shall any alien residing among you eat blood. Prohibition universal

^{13}And if any one of the Israelites, or of the aliens residing among them, taketh in hunting any beast or bird that may be eaten; he shall pour out its blood and cover it with dust. ^{14}For the life of all flesh is contained in the blood; therefore I have said to the Israelites, Ye shall not eat of the blood of flesh; for the life of all flesh is its blood; whoever eateth of it shall be cut off. Blood to be poured out

Priestly Codes

Lev. 3 ^{17}It shall be a perpetual statute throughout your generations in all your dwellings, that ye shall eat neither fat nor blood. No fat nor blood to be eaten

7 ^{23b}Ye shall eat no fat, neither of ox, or sheep, or goat. ^{24}And the fat

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§ 173 The belief that the blood represented the individual sentient life of man or animal or bird was widely held in antiquity, cf. Frazer, *Golden Bough*, I, 178, 179. It originated with the observation that when the blood of a living being was poured out life ceased and only the cold clay remained. It was this belief that led many primitive people to drink the blood of the slain animal that they might thereby themselves receive the life and strength of the victim.

The Hebrews, however, believed that the life, of which the blood was the symbol, came from Jehovah and therefore was sacred to him. The fat, because of its resemblance to the blood, was likewise regarded as sacred. Hence the blood was poured out upon the ground or upon the altar which in ancient times was believed to contain the spirit of the Deity, that the life which it contained might return to the God who gave it. The fat was also usually consumed with fire on the altar.

The Heb. belief in the sanctity of the blood was evidently very old, as the passage in I Sam. 14$^{32-35}$ indicates: the sin of the hungry warriors in eating the slain animals together with the blood is corrected by rearing an altar on which the blood could be first presented to Jehovah. Until the Deuteronomic code was promulgated, apparently every animal killed for food was slaughtered at some local sanctuary, that the blood might be poured out to Jehovah beside an altar. In centralizing all worship in Jerusalem, the Deuteronomic lawgivers were obliged to provide for the slaughter of animals simply for food. In this case the sacrificial element disappears. Cf. further *Sacrificial Offerings* under § 195. These laws throw much light upon the psychological ideas of the early Hebrews.

[g] Dt. 12^{23} Lit., *be firm not to eat.*

[h] Dt. 12^{24} Dt. 12^{16} is practically a repetition of this vs.

[i] Lev. 17^{11} Lit., *soul, i. e.*, the individual sentient life of each man and animal.

Priestly Codes

of that which dieth a natural death, and the fat of that which is torn by beasts may be put to any other use, but ye shall in no case eat of it.

[25]For whoever eateth the fat of any animal, of which men offer an offering made by fire to Jehovah, shall be cut off from his people.

Gen. 9 [4]Flesh in which is the life, that is, its blood, shall ye not eat.

§ 174. Flesh of Animals Torn by Beasts or Dying a Natural Death, Ex. 22[31], Dt. 14[21a], Lev. 22[8], 7[24], 17[15, 16]

Primitive Codes

No meat torn

Ex. 22 [31]Holy men shall ye be to me; therefore ye shall not eat any flesh that is torn by beasts in the field; ye shall cast it to the dogs.

Deuteronomic Codes

Or of animals dying a natural death

Dt. 14 [21a]Ye shall not eat of anything that dieth a natural death.

Holiness Code

Lev. 22 [8]That which dieth a natural death, or is torn by beasts, a priest shall not eat so as to be made unclean by it: I am Jehovah.

Priestly Codes

Nor the fat

Lev. 7 [24]The fat of that which dieth of itself, and the fat of that which is torn of beasts, may be put to any other use, but ye shall in no case eat of it.

Method of purification

17 [15]Every person who eateth that which dieth a natural death, or that which is torn by beasts, whether he be a native-born or a resident alien, shall wash his clothes and bathe himself in water and be unclean until evening. [16]If he doth not wash his clothes and bathe his body, he shall bear the consequences of his iniquity.

§ 175. Meat Ceremonially Unclean, Lev. 7[19a]

Priestly Codes

Polluted meat

Lev. 7 [19a]Flesh that toucheth any unclean thing shall not be eaten; it shall be burnt with fire.

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§ 174 Defilement by contact with unclean animals and the danger of eating the blood with the flesh appear to be the two ideas underlying these laws. Although the plural, *ye*, instead of the ordinary, *thou*, possibly indicates that the regulation in Ex. 22[31] is from a later editor, the law itself seems to be one of the oldest ceremonial commands in the O.T.

§ 175 The belief that ceremonial uncleanness could be communicated by contact is accepted as a basal principle in the priestly laws, cf. also Hag. 2[13].

§ 176. Leavened Bread, Ex. 34^{25a} [23^{18}], 12$^{18-20}$

Primitive Codes

Ex. 34 ^{25a}Thou shalt not offer the blood of my passover sacrifice with leavened bread. No leaven at the passover

Supplemental Priestly Codes

Ex. 12 ^{18}On the fourteenth day of the first month in the evening, ye shall eat unleavened bread, until the evening of the twenty-first day of the month. ^{19}Seven days shall no leaven be found in your houses; for whoever eateth that which is leavened shall be cut off from the congregation of Israel, whether he be a resident alien, or a native-born. ^{20}Ye shall eat nothing leavened; in all your dwellings ye shall eat unleavened bread.

§ 177. Fruit of Young Trees, Lev. 19$^{23-25}$

Holiness Code

Lev. 19 ^{23}When ye shall come into the land, and shall have planted any kind of trees for food, ye shall treat its fruit as uncircumcised; three years it shall be held by you to be uncircumcised; it shall not be eaten. ^{24}But in the fourth year all its fruit shall be holy, a praise offering to Jehovah. ^{25}And in the fifth year ye may eat of its fruit, that it may yield to you its increase: I am Jehovah your God. First-fruit sacred to Jehovah

§ 178. Rules Regarding the Eating of Meat, Ex. 34^{26b}, Dt. 12 [15], 20-27, Lev. 17$^{3-9}$, 19$^{5-8}$, 22$^{10-16}$, 7$^{15-18}$

Primitive Codes

Ex. 34 ^{26b}Thou shalt not seethe a kid in its mother's milk. Boiling a kid

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§ 176 The use of unleavened bread was limited to the passover feast or originally to the agricultural spring festival, cf. note § 212. Amos speaks of the use of leavened bread in connection with the thanksgiving sacrifices at Bethel, 4^{5}. Three explanations have been offered to explain the use of unleavened bread: (1) that it is a survival of the nomadic usage when leaven was rarely employed; (2) because yeast represents fermentation and therefore is a symbol of decay; (3) because at the early spring festival the bread was made from the first-ripe grain without waiting for the yeast to act. The latter may well have given rise to the custom and the second explains its perpetuation and emphasis in later laws.

§ 177 The first and best products of fruit trees, as well as the first-born of the herd and flock and the firstfruits of the field, were consecrated to Jehovah. Since the fruit of the earliest years was not the best, the law provides that that of the fourth year shall be brought as Jehovah's part. That the first to be used might go to the Divine King, all earlier fruits are declared ceremonially unfit for food.

§ 178 From earliest times the slaying of an animal among the Hebrews was regarded as a sacrificial act. The blood and fat at least were given to the Deity. It was easy to enforce this law when there were many local sanctuaries and when animals were rarely killed for food except at the religious festivals. When the Deuteronomic lawgivers centralized the worship in Jerusalem, they were obliged, as has been noted, to modify the ancient usage. The Holiness Code and later priestly codes, however, retain the early sacrificial idea, but provide that all animals must be slain at the temple and under the direction of the priests. These variant regulations illustrate clearly the revolutionizing character of the Deuteronomic legislation and the tenacity of custom and the tendency of the later priestly lawgivers to bow to popular usage. The law of Lev. 17$^{3-7}$ also reveals the harmonizing work of the later priestly editor, who aimed to bring the original regulation into harmony with the wilderness point of view, cf. Introd., p. 46.

Deuteronomic Codes

Permission to kill animals at home

Dt. 12 [20]When Jehovah thy God shall enlarge thy territory, as he hath promised thee, and thou shalt say, I will eat flesh, because thy soul desireth to eat it; thou mayest eat as thou mayest desire. [21]If the place in which Jehovah thy God shall choose to put his name be too far from thee, thou shalt kill of thy herd and of thy flock, which Jehovah hath given thee, as I have commanded thee; and thou mayest eat in thine own home, as thou mayest desire. [22]Even as the gazelle and as the hart is eaten, so thou shalt eat of it: the unclean and the clean may both eat of it.

Disposal of the blood

[23]Only be sure that thou eat not the blood, for the blood is the life, and thou shalt not eat the life with the flesh. [24]Thou shalt not eat it; thou shalt pour it out upon the earth as water. [25]Thou shalt not eat it; that it may go well with thee, and with thy children after thee, when thou shalt do that which is right in the sight of Jehovah.

Sacrificial animals

[26]Only thou shalt take thy holy things which thou hast, and thy vows, and go to the place which Jehovah shall choose; [27]and thou shalt offer thy burnt-offerings, the flesh and the blood, upon the altar of Jehovah thy God; and the blood of thy sacrifices shall be poured out upon the altar of Jehovah thy God; and thou shalt eat the flesh.

Holiness Code

Later limitations: all animals to be killed at temple

Lev. 17 [3]If there be any man of the house of Israel who killeth an ox, or lamb, or goat, either within or without the camp [4]and doth not bring it to the entrance of the tent of meeting, to present it as an offering to Jehovah before the dwelling of Jehovah; blood-guilt shall be imputed to that man; he hath shed blood, and that man shall be cut off from among his people, [5]in order that the Israelites may bring their sacrifices, which they are wont to sacrifice in the open field,[j] to Jehovah, at the entrance of the tent of meeting, to the priest, and sacrifice them as sacrifices of peace-offerings to Jehovah. [6]And the priest shall dash the blood against the altar of Jehovah at the entrance of the tent of meeting, and burn the fat as an odor pleasing to Jehovah.

[7]And they shall no more offer their sacrifices to the satyrs,[k] which they faithlessly worship. This shall be an everlasting statute for them throughout their generations. [8]If there be any man of the house of Israel, or of the aliens who reside among them, who offereth a burnt-offering or sacrifice, [9]and doth not bring it to the door of the tent of meeting, to sacrifice it to Jehovah, that man shall be cut off from his people.

Eating the sacrificial food

19 [5]When ye offer a sacrifice of peace-offerings to Jehovah, ye shall offer it so that ye may be accepted. [6]It shall be eaten the same day ye offer it or on the following day; and if any of it remain until the third day, it shall be burnt with fire. [7]And if it be eaten at all on the third day, it is refuse; it shall not be accepted; [8]but every one who eateth it shall be held guilty, because he hath profaned Jehovah's holy thing, and that person shall be cut off from his people.

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[j] Lev. 17[5] The Heb. repeats, *that they may bring*.
[k] Lev. 17[7] Cf. Is. 13[21]. 34[14], II Chr. 11[15] where they figure as demons living in lonely places.

Holiness Code

Holy parts belonging to the priests

22 [10]No laymen[l] shall eat of the holy thing;[m] a settler residing with the priest or a hired servant shall not eat of that which is holy. [11]But a slave, whom a priest buyeth for money, shall eat of it, and such as are born in his house, may eat of his bread. [12]And if a priest's daughter be married to a layman, she shall not eat of the special gifts of the holy things. [13]But if a priest's daughter be a widow, or divorced, and have no child, and hath returned to her father's house, as in her youth, she may eat of her father's bread; but no layman may eat of it. [14]And if a man eat of the holy thing inadvertently, he shall add a fifth part to it, and shall give the holy thing to the priest. [15]The priests also shall not profane the holy things of the Israelites, which they offer to Jehovah, [16]so as to cause them to bear the iniquity that bringeth guilt, when they eat their holy things: I am Jehovah who sanctifieth them.

Priestly Codes

Eating the sacrificial food

Lev. 7 [15]The flesh of any man's peace-offerings, which are presented as a thanksgiving, shall be eaten on the day he offereth it; he shall leave none of it until morning. [16]But if the sacrifice which he offereth be a votive offering or a voluntary-offering, it shall be eaten on the day that he offereth his sacrifice; and on the following day that which remaineth of it may be eaten; [17]but that which yet remaineth of the flesh of the sacrifice on the third day must be burnt with fire. [18]If any of the flesh of the sacrifice of his peace-offerings be eaten on the third day,[n] it shall not be accepted, neither shall it be credited to him who offereth it; it shall be refuse and the person who eateth of it shall be held guilty.

II

CAUSES AND PURIFICATION OF CEREMONIAL UNCLEANNESS

§ 179. Loathsome Diseases, Dt. 24[8], Lev. 22[4a], 13, 14[33-53, 1-32, 54-57], 15[2b, 3, 13-15 [16-18, 25-33], Nu. 5[1-3]]

Deuteronomic Codes

Priestly regulation of leprosy

Dt. 24 [8]Take heed in the plague of leprosy, that thou carefully observe and do just as the priests the Levites shall instruct you; as I commanded them, so shall ye take heed to do.

[l] Lev. 22[10] Lit., *one not belonging to the priest's family.*

[m] Lev. 22[10] *I. e.*, the part of the sacrificial offering which had first been presented to Jehovah and then went to the priest.

[n] Lev. 7[18] In a tropical country meat was in danger of becoming putrid on the third day. In keeping with their usual method, the later priests guarded against this possibility, not by leaving the decision to the individual offerer, but by fixing a definite date.

Causes and Purification of Ceremonial Uncleanness.—The tendency to increase the list of things which would produce ceremonial defilement is already marked in the priestly codes, although it reached its culmination in the laws of later Judaism. The roots of this tendency are traceable in earliest Semitic thought. Many of the strange provisions for ceremonial cleansing are also clearly inherited from Israel's Semitic ancestors.

§ 179 Lepers are classed as unclean because the disease is so repulsive and incurable. It was also popularly regarded as a mark of divine judgment, cf. Job, and, hence contact with the one thus smitten was doubly defiling.

Two kinds of real leprosy are still found in Palestine, (1) the *anæsthetic elephantiasis*

Holiness Code

Priest disqualified

LEV. 22 [4a]No one of the descendants of Aaron who is a leper, or hath a discharge may eat of the holy things until he become clean.

Priestly Codes

Investigation of leprosy by the priest

LEV. 13 [1]Jehovah gave this command to Moses and Aaron, [2]When a man shall have in his skin a rising, or an eruption or a bright spot, and it become in his skin the mark[a] of leprosy, then he shall be brought to Aaron the priest, or to one of his sons the priests, [3]and the priest shall look at the plague in his skin; and if the hair in the plague be turned white, and the plague be seen to be deeper than his skin, it is the plague of leprosy; and the priest shall look at him, and pronounce him unclean. [4]But if the bright spot in his skin be white and be seen to be no deeper than the skin, and the hair be not turned white, then the priest shall confine *him who hath* the plague seven days; [5]and the priest shall look at him the seventh day, and if in his eyes the plague be stayed and hath not spread in the skin, then the priest shall confine him seven days more; [6]and the priest shall look at him again the seventh day; and if the plague be dim, and hath not spread in the skin, the priest shall pronounce him clean, it is an eruption; and he shall wash his clothes, and be clean. [7]But if the eruption spread in the skin, after he hath showed himself to the priest for his cleansing, he shall show himself to the priest again, [8]and the priest shall look; and if the eruption hath spread in the skin, the priest shall pronounce him unclean, it is leprosy.

Real and white leprosy

[9]When the plague of leprosy is in a man, then he shall be brought to the priest; [10]and the priest shall look; and, if there be a white rising in the skin, and it have turned the hair white, and there be a raw, open sore in the rising, [11]it is an old leprosy in his skin and the priest shall pronounce him unclean; he shall not confine him, for he is unclean. [12]And if the leprosy break out in the skin, and the leprosy cover all the skin of *him who hath* the plague, from his head even to his feet, as far as the priest can see; [13]then the priest shall look; and if the leprosy have covered all his flesh, he shall pronounce *him* clean *who hath* the plague; it is all turned white;[b] he is clean. [14]But whenever raw flesh appeareth on him, he shall be unclean. [15]And the priest shall look on the raw flesh, and pronounce him unclean; the raw flesh is unclean; it is

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which first attacks the extremities with the result that the fingers and toes fall off at the joints. The limbs also gradually lose all sense of feeling as the disease gradually advances. Under proper care the malady may be kept partially in control and its victims have been known to live to an advanced age. More repulsive and malignant and common is the second type of leprosy, the *tubercular elephantiasis*, which first takes the form of red patches that later develop tubercles which in time ulcerate and eat far down into the flesh. The face and limbs swell, the eyes and tongue become affected and, at the end of about ten years, vital organs are attacked by the disease and death ensues. This is the form of leprosy referred to in Job $2^{7, 8}$, $7^{5, 15}$, 16^{16} and is one of the most horrible and incurable of maladies. With these types of true leprosy the Hebrews associated certain skin diseases, as for example, white leprosy, which took the form of white scales that often extended over most of the body and then gradually peeled off and disappeared, when the disease had run its course. Certain kinds of mould or fungus growth in garments and houses were also, because of the points of similarity, classified with human leprosy.

[a] Lev. 13^{2} Lit., the mark left by a stroke. RV., *plague*. It is the mark left by some malign disease like leprosy.

[b] Lev. 13^{13} Evidently the disease is the white leprosy, which in time left the patient well and sound.

leprosy. [16]Or if the raw flesh change again, and turn white, then he shall come to the priest, [17]and the priest shall look on him; and if the plague be turned white, then the priest shall pronounce *him* clean *who hath* the plague; he is clean.

Real leprosy or a boil

[18]And when there is a boil in the skin of the body and it is healed, [19]and in the place of the boil there is a white rising, or a bright, reddish-white spot, then it shall be shown to the priest, [20]and the priest shall look; and if the spot be seen to be lower than the skin, and the hair be turned white, then the priest shall pronounce him unclean; it is the plague of leprosy, it hath broken out in the boil. [21]But if the priest look at it, and there be no white hairs in it and it be no lower than the skin, but be dim, then the priest shall confine him seven days; [22]and if it be then spread in the skin, the priest shall pronounce him unclean; it is a plague. [23]But if the bright spot stay in its place, and be not spread, it is the scar of the boil; and the priest shall pronounce him clean.

White spots

[24]Or when the flesh hath in the skin a burn caused by fire, and the sore of the burn become a bright spot, reddish-white or white, [25]then the priest shall look at it; and if the hair in the bright spot be turned white, and it appear to be deeper than the skin, it is leprosy that hath broken out in the burn, and the priest shall pronounce him unclean; it is the mark of leprosy. [26]But if the priest look at it, and there be no white hair in the bright spot, and it be no lower than the skin, but be dim, then the priest shall confine him seven days, [27]and the priest shall look at him the seventh day; if it be then spread in the skin, the priest shall pronounce him unclean; it is the mark of leprosy. [28]But if the bright spot stay in its place, and be not spread in the skin, but be dim, it is the rising of the burn, and the priest shall pronounce him clean, for it is the scar of the burn.

Spots on the head or face

[29]And when a man or woman hath a mark on the head or on the beard, [30]the priest shall look at the mark; and if it appear to be deeper than the skin, and there be in it thin yellow hair, the priest shall pronounce him unclean; it is a scall,[c] it is leprosy of the head or beard. [31]And if the priest look on the mark of the scall, and it appear to be no deeper than the skin, and there be no black hair in it, the priest shall confine *him who hath* the mark of the scall seven days; [32]and on the seventh day the priest shall look at the mark, and if the scall be not spread, and there be no yellow hair in it, and the scall appear to be no deeper than the skin, [33]he shall shave himself, but the scall shall he not shave; and the priest shall confine *him who hath* the scall seven days more; [34]and on the seventh day the priest shall look at the scall, and if the scall be not spread in the skin, and appear to be no deeper than the skin, the priest shall pronounce him clean; and he shall wash his clothes, and be clean. [35]But if the scall spread in the skin after his cleansing, [36]the priest shall look at him, and if the scall be spread in the skin, the priest need not look for the yellow hair; he is unclean. [37]But if in his eyes the

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[c] Lev. 13[30] Probably a dry scale.

Priestly Codes

scall be stayed, and black hair be grown up in it, the scall is healed; he is clean, and the priest shall pronounce him clean.

A tetter

[38]And when a man or a woman hath in the skin bright spots, bright white spots, [39]the priest shall look; and if the bright spots in the skin be of a dull white, it is a tetter, it hath broken out in the skin; he is clean.

Mark on a bald spot

[40]And if a man lose his hair from his head, he is bald; *yet* he is clean. [41]And if his hair be fallen off from the front part of his head, he is forehead-bald; *yet* he is clean. [42]But if there be on the bald head, or the bald forehead, a reddish-white mark, it is leprosy breaking out on his bald head, or his bald forehead. [43]Then the priest shall look upon him, and if the rising caused by the mark be reddish-white on his bald head, or on his bald forehead, like the appearance of leprosy in the skin, [44]he is a leprous man, he is unclean; the priest shall pronounce him unclean; his plague is on his head.

Obligations of lepers

[45]And when a leper hath the mark of leprosy upon him, his clothes shall be rent, and the hair of his head shall go loose, and he shall cover his upper lip, and cry, Unclean! unclean![d] [46]All the days during which the mark is upon him he shall be unclean; *and since* he is unclean, he shall dwell alone; his dwelling shall be outside the camp.

Leprosy spreading in a garment

[47]When the mark of leprosy is in a garment, whether it be a woolen garment, or a linen garment; [48]whether it be in the warp, or in the woof, of linen or of wool, either in a skin, or in anything made of skin; [49]if the mark be greenish or reddish in the garment, or in the skin, or in the warp, or in the woof, or in anything of skin, it is the mark of leprosy, and shall be shown to the priest. [50]And the priest shall look upon the mark and shut up *that which hath* the mark seven days: [51]and he shall look on the mark on the seventh day; if the mark be spread in the garment, either in the warp, or in the woof, or in the skin, whatever be the purpose for which skin is used, the mark is that of malignant leprosy; it is unclean. [52]And he shall burn the garment, or the warp or the woof, whether it be of wool or of linen, or anything of skin, in which the mark is; for it is a malignant leprosy; it shall be burnt in the fire.

Permanent marks

[53]And if the priest shall look, and the mark be not spread in the garment, either in the warp, or in the woof, or in anything of skin, [54]the priest shall command that they wash the thing in which the plague is, and he shall shut it up seven days more: [55]and the priest shall look, after the mark is washed; and if the mark have not changed its color, and the mark be not spread, it is unclean; thou shalt burn it in the fire; it is malignant, whether the bareness be within or without.

Disappearing marks

[56]But if the priest look, and the mark be dim after it hath been washed, he shall tear it out of the garment, or out of the skin, or out of the warp, or out of the woof; [57]and if it still appear in the garment, either in the warp, or in the woof, or in anything of skin, it is breaking out; thou shalt burn with fire that in which the mark is. [58]But if the mark disappear from the garment, either from the warp or the woof, or whatever thing of skin it be,

[d] Lev. 13[45] *I. e.*, he shall assume the garb and rôle of a mourner.

Priestly Codes

when thou hast washed it, it shall be washed a second time, and shall be clean.

59This is the law of the mark of leprosy in a garment of wool or linen, either in the warp, or the woof, or anything of skin, to *determine when* to pronounce it clean, or to pronounce it unclean.

Leprosy in a house

33Jehovah said to Moses and Aaron,[e] 34When ye have come into the land of Canaan, which I give to you as a possession, and I put the mark of leprosy on a house in the land of your possession; 35then he who owneth the house shall come and say to the priest: 'There seemeth to me to be a kind of mark in my house.' 36And the priest shall command the house to be emptied before he goeth in to examine the mark, so that all that is in the house be not made unclean; and afterward the priest shall go in to examine the house; 37and he shall look at the mark; and if the mark on the walls of the house be in greenish or reddish patches which appear to be deeper than *the surface* of the wall, 38the priest shall go out to the door of the house, and shut up the house seven days. 39And the priest shall come again on the seventh day and shall look; and if the mark be spread in the walls of the house, 40the priest shall command that they take out the stones in which the mark is, and cast them into an unclean place outside the city. 41Then he shall cause the house to be scraped throughout inside, and they shall pour out the mortar, that they scrape off, outside the city into an unclean place; 42and they shall take other stones, and put them in the place of those stones; and he shall take other mortar, and shall plaster the house.

A malignant type

43And if the mark break out again in the house, after he hath taken out the stones, and after he hath scraped the house, and after it is plastered, 44the priest shall come in and look; and if the mark be spread in the house, it is a malignant leprosy in the house; it is unclean. 45And he shall break down the house, its stones, and its timber, and all the mortar of the house; and he shall carry them out of the city to an unclean place. 46Moreover he who goeth into the house during the time that it is shut up shall be unclean until evening. 47And he who sleepeth in the house shall wash his clothes; and he who eateth in the house shall wash his clothes.

Ceremonial cleansing of a leprous house

48But if the priest come in, and look, and find that the mark hath not spread in the house, after the house was plastered; he shall pronounce the house clean, because the mark hath disappeared. 49And he shall take to cleanse the house two birds, with cedar wood and scarlet, and hyssop: 50and he shall kill one of the birds in an earthen vessel over running water: 51and he shall take the cedar wood, and the hyssop, and the scarlet, and the living bird, and dip them in the blood of the slain bird, and in the running water, and sprinkle the house seven times; 52and he shall cleanse the house with the blood of the bird, and with the running water, and with the living bird, and with the cedar wood, and with the hyssop, and with the scarlet; 53but he shall let the living bird go out of the city into the open field; so he shall make atonement for the house, and it shall be clean.

Ritual for the cleansing of a leper

14 1Jehovah gave this command to Moses: 2This shall be the law of the leper in the day when he is cleansed; he shall be brought to the priest; 3and the priest shall go out of the camp; and the priest shall look; and if the mark of leprosy be healed in the leper, 4the priest shall command to take for him who is to be cleansed two living clean birds, cedar wood, scarlet, and hyssop; 5and the priest shall command to kill one of the birds in an earthen vessel over running water. 6He shall then take the living bird, the cedar wood, the scarlet, and the hyssop, and shall dip them and the living bird in the blood of the bird that was killed over the running water; 7and the blood he shall sprinkle seven times upon him who is to be cleansed from the leprosy, and shall pronounce him clean, and shall set free the living bird in the open field. 8And he who is to be cleansed shall wash his clothes, and shave off all

[e] Lev. 14$^{33-53}$ The contents, as well as the colophon in $^{54-57}$, indicate that this section belongs at the close of 13^{7}. While it doubtless records a very ancient ritual, its literary style and allusions to the rite of atonement, ^{53}, indicate that it is a late addition.

Priestly Codes

his hair, and bathe himself in water; and he shall be clean: and after that he shall come into the camp, but shall dwell outside his tent seven days. [9]And on the seventh day he shall shave off all the hair of his head and his beard and his eyebrows, even all his hair he shall shave off, and he shall wash his clothes, and shall bathe his flesh in water; then he shall be clean.

Completion of the rite of cleansing

[10]And on the eighth day he shall take two male lambs without blemish, and one ewe-lamb a year old without blemish, and as a cereal-offering three-tenths *of an ephah* of fine meal mixed with oil, and one log[f] of oil. [11]And the priest who cleanseth him shall set the man who is to be cleansed and these things before Jehovah, at the entrance of the tent of meeting. [12]And the priest shall take one of the male lambs, and offer it with the log of oil as a guilt-offering, and wave them as a wave-offering before Jehovah; [13]then he shall kill the male lamb in the place where they kill the sin-offering and the burnt-offering in the place of the sanctuary; for the guilt-offering like the sin-offering belongeth to the priest; it is most holy. [14]And the priest shall take some of the blood of the guilt-offering, and shall put it on the tip of the right ear of him who is to be cleansed, and on the thumb of his right hand, and on the great toe of his right foot. [15]And the priest shall take some of the log of oil, and pour it into the palm of his own left hand; [16]and the priest shall dip his right finger in the oil that is in his left hand, and shall sprinkle some of the oil with his finger seven times before Jehovah. [17]And of the rest of the oil that is in his hand the priest shall put some on the tip of the right ear of him who is to be cleansed, and on the thumb of his right hand, and on the great toe of his right foot, and upon the blood of the guilt-offering; [18]and the rest of the oil that is in the priest's hand he shall put on the head of him who is to be cleansed. Thus the priest shall make atonement for him before Jehovah. [19]And the priest shall offer the sin-offering, and make atonement for him who is to be cleansed because of his uncleanness; and afterward he shall kill the burnt-offering; [20]and the priest shall offer the burnt-offering and the cereal-offering upon the altar. Thus the priest shall make atonement for him, and he shall be clean.

Offering and rite in the case of a poor man

[21]And if he be poor, and his means are not sufficient for this, he shall take one male lamb as a guilt-offering to be waved, to make atonement for him, and one-tenth *of an ephah* of fine meal mixed with oil as a cereal-offering, and a log of oil, [22]and two turtle-doves, or two young pigeons, such as his means permit; and the one shall be a sin-offering, and the other a burnt-offering. [23]And on the eighth day he shall bring them for his cleansing to the priest, at the entrance of the tent of meeting, before Jehovah; [24]and the priest shall take the lamb of the guilt-offering, and the log of oil, and the priest shall wave them as a wave-offering before Jehovah. [25]And he shall kill the lamb of the guilt-offering; and the priest shall take some of the blood of the guilt-offering, and put it on the tip of the right ear of him who is to be cleansed, and on the thumb of his right hand, and on the great toe of his right foot. [26]And the priest shall pour some of the oil into the palm of his own left hand;

[f] Lev. 14[10] According to the Rabbis the log was one-twelfth of a hin, *i. e.*, about five-sixths of a pint.

Priestly Codes

^{27}and the priest shall sprinkle with his right finger some of the oil that is in his left hand seven times before Jehovah; ^{28}and the priest shall put some of the oil that is in his hand on the tip of the right ear of him who is to be cleansed, and on the thumb of his right hand, and on the great toe of his right foot, and on the place of the blood of the guilt-offering; ^{29}and the rest of the oil that is in the priest's hand he shall put on the head of him who is to be cleansed, to make atonement for him before Jehovah. ^{30}And he shall offer one of the turtle-doves, or of the young pigeons, as his means permit,[g] ^{31}the one as a sin-offering, and the other as a burnt-offering, with the cereal-offering; and the priest shall make atonement for him who is to be cleansed before Jehovah. ^{32}This is the law of him on whom is the mark of leprosy, whose means do not permit him *to bring the regular sacrifices* for his cleansing.

^{54}This is the law for every kind of mark of leprosy, and for a scall, ^{55}and for the leprosy of a garment and of a house, ^{56}and for a rising, and for a scab, and for a bright spot, ^{57}to show when each is unclean, and when it is clean; this is the law of leprosy. Colophon

15 ^{2b}When any man hath a discharge from his body,[h] his discharge is unclean; ^{3}and his uncleanness shall continue as long as he hath the discharge; whether the discharge continue or be stopped so that no discharge appeareth, he is in a state of uncleanness. Chronic discharges

^{13}And when he who hath a discharge is cleansed of his discharge, he shall count seven days for his cleansing, and wash his clothes; and he shall bathe his body in running water, and become clean. ^{14}And on the eighth day he shall take two turtle-doves, or two young pigeons, and come before Jehovah at the entrance of the tent of meeting, and give them to the priest; ^{15}and the priest shall offer them, the one as a sin-offering, and the other as a burnt-offering; and the priest shall make atonement for him before Jehovah for his discharge.[i] Rite of cleansing

§ 180. Childbirth, Lev. 12$^{1-8}$

Priestly Codes

Lev. 12 ^{1}Jehovah gave this command to Moses: ^{2}Speak thus to the Israelites, 'If a woman become pregnant, and bear a male child, she shall be unclean seven days; as the days of the uncleanness of her monthly infirmity she shall be unclean. ^{3}And on the eighth day the flesh of his foreskin shall be circumcised. ^{4}And she shall continue in the blood of her purification thirty-three days; she shall touch no holy thing, nor come into the sanctuary, until the days of her purification are fulfilled. ^{5}But if she bear a female child she Period of ceremonial uncleanness

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[g] Lev. 14^{30} Through a scribal error the last clause of ^{30} has been repeated in ^{31}.

[h] Lev. 15^{2b} Lit., *flesh*, *i. e.*, euphemism for *urethra*.

[i] Lev. 15$^{13-15}$ The same directions are repeated in $^{25-30}$, for a woman afflicted with an irregular or prolonged monthly sickness.

§ 180 This law appears to be one of the later additions to the ceremonial system. Possibly it came in through the influence of Persia, where childbirth was regarded as especially defiling. The primitive idea at the root of the law is the supreme mystery of childbirth, which profoundly impressed the minds of the ancients. The ceremonial precautions were in all probability originally intended to guard against the influence of the spirits which were supposed to be present especially at childbirth, cf. Frazer, *Golden Bough*, II, 238–42.

Priestly Codes

shall be unclean two weeks,[j] as in her monthly uncleanness; and she shall continue in the blood of her purification sixty-six days.

Rite of cleansing

⁶And when the days of her purification are fulfilled, for a son or for a daughter, she shall bring a yearling lamb as a burnt-offering, and a young pigeon or a turtle-dove, as a sin-offering, to the entrance of the tent of meeting, to the priest, ⁷and he shall offer it before Jehovah, and make atonement for her; thus she shall be cleansed from her flow of blood. This is the law for her who beareth either a male or a female. ⁸And if her means be not sufficient for a lamb, she shall take two turtle-doves or two young pigeons; the one as a burnt-offering, and the other as a sin-offering; and the priest shall make atonement for her, and she shall be cleansed.[k]

§ 181. Contact with the Dead, Dt. 21²², ²³, ¹⁻⁵, Lev. 22⁴ᵇ, ⁶ᵃ, Nu. 19¹¹⁻²¹, ¹¹⁻¹³, 31¹⁹

Deuteronomic Codes

Disposal of body of capital offender

Dt. 21 ²²If a man have committed a sin deserving of death, and he be put to death, and thou hang him on a tree,[l] ²³his body shall not remain all night upon the tree, but thou shalt surely bury him the same day, for he that is hanged is accursed of God, that thou defile not thy land which Jehovah thy God is about to give thee as an inheritance.

Rite in case of undetected murder

¹If one be found slain in the land which Jehovah thy God is about to give thee as a possession, lying in the open field, and it be not known who hath smitten him, ²then thy elders and thy judges shall come out, and they shall measure the distance to the cities round about the one who is slain: ³and the elders of the city which is nearest to the slain man shall take from the herd a heifer which hath done no work[m] nor drawn in the yoke; ⁴and the elders of that city shall bring down the heifer to a valley with running water, which hath been neither plowed nor sown, and shall break the heifer's neck there in the valley. ⁵And the priests the sons of Levi shall come near; for them Jehovah thy God hath chosen to minister to him and to bless in the name of Jehovah, and every controversy and every blow shall be according to their sentence.

Holiness Code

Period of defilement

Lev. 22 ⁴ᵇIf any man touch a thing that hath been made unclean by a dead body, ⁶ᵃthe person who toucheth any such thing shall be unclean until evening.

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[j] Lev. 12⁵ This was because it was widely held in antiquity that the abnormal puerperal conditions lasted longest after the birth of a girl.

[k] Lev. 12⁸ This vs. appears to be a later addition, since it follows the colophon in ⁷. The evidence, however, is not decisive.

§ 181 The belief that a murdered man's blood defiled a land or people, until proper atonement was made, is an inheritance from earliest times. The rite in Dt. 21¹⁻⁵ is doubtless very ancient. The priests do not appear to have participated in the ceremony, but are simply present to lend their religious sanction. In the priestly codes any contact with a corpse or with anything that has touched it means ceremonial defilement.

[l] Dt. 21²² *I. e.*, as a solemn warning to all evil-minded members of the community.

[m] Dt. 21³ Lit., *which hath not been wrought with.*

Priestly Codes

Nu. 19 [14]This is the law when any man dieth in a tent: Every one who cometh into the tent and every one who is in the tent shall be unclean seven days. [15]And every open vessel which hath no covering tied over it is unclean. [16]And whoever in the open field toucheth any one who has been slain with a sword, or a dead body, or a bone of a man, or a grave, shall be unclean seven days. [17]And for the one who is unclean they shall take of the ashes of the burning of the sin-offering; and running[n] water shall be added to it in a vessel; [18]and a man ceremonially clean shall take hyssop, and dip it in the water, and sprinkle it over the tent and over all the vessels, and over the persons who were there, and over him who touched the bone, or the slain, or the dead, or the grave; [19]and the one who is ceremonially clean shall sprinkle it over the one who is unclean both on the third day and on the seventh day; and on the seventh day he shall purify him; and he shall wash his clothes, and bathe himself in water, and shall be clean in the evening. Period and rite of purification after contact with the dead

[20]But the man who is unclean and doth not purify himself shall be cut off from the midst of the assembly, because he hath defiled the sanctuary of Jehovah; the water of impurity hath not been sprinkled over him; he is unclean. [21]And it shall be a perpetual statute to them; and he who sprinkleth the water of impurity shall wash his clothes; and he who toucheth the water of impurity shall be unclean until evening. Penalty for neglecting this law

Supplemental Priestly Codes

Nu. 19 [11]He who toucheth the dead, even any human corpse shall be unclean seven days; [12]he must purify himself therewith on the third day and on the seventh day, and so become clean;[o] but if he do not purify himself on the third day, he shall not become clean. [13]Whoever toucheth a dead person, the corpse of any man that may have died, and doth not purify himself, defileth the dwelling of Jehovah; and that one shall be cut off from Israel, because the water of impurity was not sprinkled over him; he shall be unclean; his uncleanness is yet upon him. Later versions of the law

31 [19]Encamp outside the camp seven days; whoever hath killed any person, and whoever hath touched any slain, purify yourselves on the third day, and on the seventh day you and your captives.

§ 182. The Carcasses of Animals, Lev. 5[2], 11[8, 24-28, 29b-40]

Priestly Codes

Lev. 5 [2]If any one touch any unclean thing, either the carcass of an unclean beast, or the carcass of an unclean domestic animal, or the carcass of an unclean swarming creature, and the fact be hidden from him, and he be unclean, he shall be guilty. Contact with unclean animals

11 [8]Of the flesh of swine ye shall not eat, and their carcasses ye shall not touch; they are unclean to you. Swine's flesh

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[n] Nu. 19[16] *I. e.*, spring water, cf. Gen. 26[19], Zech. 14[8], Lev. 14[5, 6, 50-52].
[o] Nu. 19[12] So the Gk. and Syr.

Supplemental Priestly Codes

Means and period of pollution

Lev. 11 [24]By all kinds of unclean beasts and birds and swarming creatures ye shall become unclean; whoever toucheth their carcasses shall be unclean until evening; [25]and whoever carrieth the carcass of any of them shall wash his clothes and be unclean until evening. [26]Every beast which parteth the hoof, but cleaveth not the cleft of the foot nor cheweth the cud, is unclean to you; every one who toucheth them shall be unclean. [27]And whatever goeth upon its paws, of all beasts that go on all fours, is unclean to you; whoever toucheth the carcass of any of them shall be unclean until evening. [28]And he who carrieth the carcass of any of them shall wash his clothes and be unclean until evening; they are unclean to you. [29b]The weasel, the mouse, the great lizard after its kind, [30]the gecko, the land-crocodile, and the chameleon, [31]these are they which are unclean to you among all swarming creatures; whoever toucheth them, when they are dead shall be unclean until evening.

Cleansing of objects polluted by swarming creatures

[32]And everything upon which any of them, when it is dead, doth fall, shall be unclean; whether it be a wooden vessel, or clothing, or a skin, or a sack; whatever vessel it be, with which any work is done, it must be put into water, and it shall be unclean until the evening; then it shall be clean. [33]And if any of them fall into an earthen vessel, whatever is in it shall be unclean, and the vessel itself ye shall break. [34]All food in it which may be eaten, which is prepared with water, shall be unclean; and any liquid which may be drunk out of any such vessel shall be unclean. [35]And everything on which the carcass of any of these creatures falleth shall be unclean; whether oven or chaffing pot, it shall be broken in pieces; they are unclean and shall be unclean to you. [36]Nevertheless a fountain or a cistern in which water is collected shall be clean, but that which toucheth their carcass shall be unclean. [37]And if the carcass of any of these fall upon any seed grain which is to be sown, it is clean. [38]But if water be put upon the seed, and the carcass of any of these fall upon it, it is unclean to you.

Carcasses of clean animals

[39]And if any animal, the flesh of which ye may eat, die, he who toucheth its carcass shall be unclean until evening. [40]And he who eateth of the carcass must wash his clothes, and be unclean until evening; he also who carrieth the carcass shall wash his clothes and shall be unclean until evening.[p]

§ 183. With Persons or Things Ceremonially Unclean, Nu. 19[22], Lev. 5[3] [15[1-24]]

Priestly Codes

Contagion of uncleanness

Nu. 19 [22]Whatever a person ceremonially unclean toucheth shall be unclean; and the one who toucheth it shall be unclean until evening.

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[p] Lev. 11[39, 40] These vss. probably contain the earlier law which has been expanded in the preceding vss.

§ 183 A natural aversion, which was felt toward that which was revolting to the senses, is undoubtedly the basis of these as well as many other ceremonial laws. Lev. 15 develops this principle in detail. Persons of either sex afflicted with normal, abnormal or chronic discharges were regarded as unclean and capable of imparting ceremonial pollution to everything or everyone with which they came into direct contact. All imparted ceremonial impurity which required thorough washing and bathing, and meant uncleanness, at least until sunset.

Priestly Codes

Lev. 5 [3]If one touch the uncleanness of man, whatever it be, and the fact be hid from him, when he knoweth of it, he shall be guilty.

§ 184. With Spoils of War, Nu. 31[20-24]

Supplemental Priestly Codes

Nu. 31 [20]*Of the spoils of war* every garment and all that is made of skin, and all work of goats' hair, and all things made of wood, ye shall purify. To be purified

[21]And Eleazar the priest said to all the warriors who went to the battle, This is the statute of the law which Jehovah hath commanded Moses, [22]'Only the gold, the silver, the brass, the iron, the tin, and the lead—[23]everything that may be put into the fire—ye shall put through the fire, that it may be clean; it shall surely be purified by means of the water of impurity; and all that cannot be put into the fire ye shall put through the water. [24]And ye shall wash your clothes on the seventh day and shall be clean, and afterwards ye shall come into the camp.' By fire and water

§ 185. Special Laws Governing the Nazirites, Nu. 6[1-12]

Priestly Codes

Nu. 6 [1]Jehovah gave this command to Moses, [2]Speak to the Israelites and say to them, 'When any man or a woman shall make a special vow, the vow of a Nazirite, to separate himself to Jehovah, [3]he shall separate himself from wine and strong drink; he shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any drink of grapes, nor eat fresh or dried grapes. [4]All the days of his separation he shall eat nothing that is borne by the grape-vine, not even the unripe grapes or tendrils.[q] To reject all products of the vine

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§ 184 In this very late traditional precedent, associated with the war with the Midianites, the later Jewish belief that everything that had been touched by heathen hands was unclean assumes binding legal form.

§ 185 The word *Nazirite* means, *one separated* or *one who separates himself*, *i. e.*, from certain ordinary practices. The Nazirite was also *separated to Jehovah*, that is, his separation was intended to symbolize especial devotion to Jehovah. The custom of abstaining from certain acts or kinds of food in connection with a vow to the Deity appears to have been in vogue among the nomadic ancestors of the Hebrews. Throughout a millennium of Israel's history, Nazirites figure more or less prominently. Two kinds of Nazirites may be distinguished, (1) those who like Samson were bound for life by certain obligations assumed by themselves or their parents; or (2) those who for a limited period assumed the Nazirite vow. The second appear to have been by far the most common. The law of Nu. 6 contemplates only the latter type. In later Jewish history the Nazirite vow is very common, but is taken only for a specified time, cf. the Jewish tractat, *Nazir*, I Mac. $3^{49, 50}$, Jos. Ant. xix, 6^{1}. From the Samson stories and the earliest references it would seem that the abstinence from cutting the hair was the oldest and most characteristic element in the Nazirite vow, cf. for the widespread reverence for the hair, Frazer, *Golden Bough*,[2] I. 362–89. The other elements may have been added later. The refraining from wine and grapes and all the products of the vine may well be due to the aversion, long felt by the more zealous worshippers of Jehovah, the God of their nomadic ancestors, for the agricultural civilization of the Canaanites. The Nabateans were not allowed to sow or to set out fruit-bearing plants or to build houses or to use wine, cf. Diod. Sic. xix, 94^{3}. Similar restrictions were laid upon the Recabites, who appear to have cherished the older nomadic ideals, Jer. $35^{6, 7}$. Amos classifies the Nazirites with the prophets, as sent by Jehovah to teach his people, Am. $2^{11, 12}$. Self-denial and devotion to Jehovah are the two central ideas inherent in the ancient institution. For the somewhat similar regulations concerning the priests, cf. §§ 164, 170. The basis of the law regarding the Nazirite is evidently an early priestly direction which has many points of kinship with the Holiness Code.

[q] Nu. 6^{4} RV, *from the kernels even to the husk*. The Heb. words occur nowhere else in the O.T. and the exact meaning is uncertain.

Priestly Codes

To leave hair uncut

[5]All the days of his vow of separation no razor shall pass over his head;[r] until the completion of the days which he separated himself to Jehovah, he shall be holy; he shall let the locks of the hair on his head grow long.

Not to touch the dead

[6]All the days that he separateth himself to Jehovah he shall not come near a dead body. [7]He shall not make himself unclean for his father or his mother, for his brother or his sister, when they die, because his separation to God is upon his head. [8]All the days of his separation he is holy to Jehovah.

Procedure if accidentally defiled

[9]And if any man die very suddenly beside him, and he defile the head thus separated, the Nazirite shall shave his head on the day of his cleansing, on the seventh day shall he shave it.[s] [10]And on the eighth day he shall bring two turtle-doves or two young pigeons, to the priest, at the entrance of the tent of meeting: [11]and the priest shall offer one as a sin-offering, and the other as a burnt-offering, and make atonement for him, for he hath sinned by coming into contact with the dead; thus he shall hallow his head that same day. [12]And he shall separate to Jehovah the days of his separation,[t] and shall bring a male lamb a year old as a trespass-offering; but the preceding days shall not count, because his separation was defiled.'

F

The Law of Circumcision

§ 186. Origin and Requirements, Gen. 17[9-14], 21[4], Lev. 12[3], Ex. 12[48]

Priestly Codes

Divine command to the race

Gen. 17 [9]God said to Abraham, As for thee, thou shalt keep my covenant, thou, and thy descendants after thee throughout their generations.

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[r] Nu. 6[5] *I. e.*, shall not even be trimmed, cf. Judg. 13[5], 16[17], I Sam. 1[11].

[s] Nu. 6[9] According to the Mishna, *Temurah*, vii, 4, the hair thus cut off was to be buried, because unclean.

[t] Nu. 6[12] *I. e.*, he shall observe his vow the full time originally agreed upon.

§ 186 The rite of circumcision was generally in force among western Semites. Herodotus asserts that they adopted it from the Egyptians, II, 36, 204. An intuitional appreciation of its hygienic importance, especially in hot tropical countries, may lie at the root of the institution, but more probably it is a survival from the phallic worship that was widely extended in antiquity and still survives in portions of the far East to-day. It is certainly safe to say that circumcision was originally regarded as a religious rite.

The peculiar story in Ex. 4[24-26] connects the institution with Moses. It is his Kenite wife, however, who circumcised their son to deliver Moses from the wrath of Jehovah. The implication is that the custom was already in vogue among the Kenites. The priestly traditions represent it as revealed to Abraham and imposed upon all his descendants as a symbol of cleansing and consecration to Jehovah, and of the sacred covenant between God and his people. Closely connected with its religious origin was its early significance as a tribal and national mark. This meaning of the rite was strongly emphasized as distinctive by later Judaism, although the term *uncircumcised Philistines* implies the recognition by the biblical writers of the fact that, with this exception, the other peoples of Palestine, as well as the Hebrews, practiced circumcision.

The expression *bridegroom of blood* in Ex. 4[25] and the tradition in Josh. 5[2, 3, 8, 9] suggest that with the Israelites in the earlier periods, as among the ancient Arabs, circumcision did not take place until adolescence or young manhood was reached. It was then the symbol of the admission of a youth to full marital, tribal, and religious rights. Only in later periods was it transferred to infancy, perhaps that the child from its earliest years might thus be placed

Priestly Codes

[10]This is my covenant, which ye shall keep, between me and you and thy descendants after thee: every male among you shall be circumcised. [11]Whenever ye are circumcised, the flesh of your foreskin shall be a sign of a covenant between me and you. [12]And every male when he is eight days old, shall be circumcised throughout your generations, he who is born in the house, or bought with money of any foreigner who is not of thine offspring. [13]He who is born in thy house and he who is bought with thy money must surely be circumcised. Thus my covenant shall be in your flesh for an everlasting covenant. [14]As for the uncircumcised male, who is not circumcised in the flesh of his foreskin, that one shall be cut off from among his people; he hath broken my covenant.

Traditional precedent

21 [4]So Abraham circumcised his son Isaac, when he was seven days old, as God had commanded him.

Lev. 12 [3]On the eighth day the flesh of the foreskin shall be circumcised. Age

Ex. 12 [48]When an alien shall reside with thee, and wish to keep the passover to Jehovah, let all the male members of his family be circumcised, and then let him come near and keep it; and he shall be as a native born; but no uncircumcised person shall eat of it. Resident aliens

G

THE SACRED DUES

§ 187. **First-born Sons,** Ex. 34[19a, 20c], 22[19b], Ex. 13[1, 2], Nu. 3[11-13, 44-51] [8[16-18]]

Primitive Codes

Ex. 34 [19a]All that openeth the womb is mine. Jehovah's due

[20c]All the first-born of thy sons shalt thou redeem.

22 [19b]The first-born of thy sons shalt thou give to me.

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under the protection of the Deity, or possibly because the later priests desired to break with the ideas and practices associated with the earlier usage. Cf. the varying usages in the rite of baptism. Thus transformed and interpreted, circumcision became finally the distinctive religious and racial mark of the Jew.

The Sacred Dues.—The fundamental idea of the theocracy can be traced to the beginnings of Israel's history. It developed as Heb. political institutions unfolded. Gifts to the divine head of the tribe and nation were presented from earliest times, as they were to the primitive tribal chieftain and later to the king. In the case of the human and Divine King the gifts were practically the same both in character and purpose. They were the evidences of loyalty and the surest means of securing and retaining royal favor. Only the best of everything would be accepted. In most cases this meant also the first. Certain dues must be regularly rendered by each man. Additional gifts might be brought as the desires or feelings or vows of the individual offerers dictated. Custom, as well as the influence of the priests, constantly tended to increase the volume of these sacred dues. In the earliest times they included little more than the offerings brought to the local sanctuaries at the three great festivals. The disappearance of the monarchy, with the destruction of Jerusalem in 586 B.C., left the people free to bring all their gifts to the Divine King. The strong desire of the exiles to win again the favor of Jehovah also tended to multiply the number of sacred dues, with the result that under the priestly laws a very large proportion of the income of every Israelite found its way in one form or other to the sanctuary.

§ 187 The first-born of family and herd and flock was universally believed to be the best. It was appropriate, therefore, that it should be given to Jehovah. Another illustration of the belief in the pre-eminence of the first-born is the law of primogeniture, cf. § 30.

Priestly Codes

Ex. 13 [1]Jehovah gave this command to Moses: [2]Sanctify to me all the first-born, whatever openeth the womb among the Israelites, both of man and of beast; it is mine.

Levites a substitute

Nu. 3 [11]Jehovah spoke thus to Moses, [12]I have taken the Levites from among the Israelites in the place of all the first-born that openeth the womb among the Israelites; [13]for all the first-born are mine: on the day that I smote all the first-born in the land of Egypt I consecrated to myself all the first-born in Israel, both man and beast; mine they shall be: I am Jehovah.

[44]Jehovah also gave this command to Moses: [45]Take the Levites in the place of all the first-born among the Israelites, and the cattle of the Levites in the place of their cattle; and the Levites shall be mine: I am Jehovah.

Supplemental Priestly Codes

Money-equivalent

Nu. 3 [46]And for the redemption of the two hundred and seventy-three of the first-born of the Israelites, who are over and above the number of the Levites, [47]thou shalt take five shekels[a] apiece according to the census; by the standard of the shekel of the sanctuary shalt thou take them (the shekel is twenty gerahs). [48]And thou shalt give the money, with which the odd number of them is redeemed, to Aaron and to his sons. [49]And Moses took the redemption-money from them who were over and above those who were redeemed by the Levites. [50]From the first-born of the Israelites he took the money, one thousand three hundred and sixty-five shekels, by the standard of the shekel of the sanctuary; [51]and Moses gave the redemption-money to Aaron and to his sons, according to the word of Jehovah, as Jehovah commanded Moses.

§ 188. First-born of Flock and Herd, Ex. 34[19b. 20], 13[11-13a], 22[30], Dt. 14[23-27], 15[19-22], Nu. 18[15-18] [Lev. 27[26. 27]]

Primitive Code

Jehovah's due

Ex. 34 [19b]All thy male cattle, the first-born of cow and sheep are mine. [20]And the firstling of an ass thou shalt redeem with a lamb; and if thou dost not wish to redeem it, then thou shalt break its neck.

13 [11]When Jehovah shall bring thee into the land of the Canaanites, as he promised by oath to thee and to thy fathers, and shall give it thee, [12]thou shalt set apart[b] to Jehovah all that openeth the womb; of all the first offsprings of beasts, which thou shalt have, the males shall belong to Jehovah. [13a]And every first-born of an ass thou shalt redeem with a sheep; but if thou dost not wish to redeem it, then thou shalt break its neck.

22 [30]Thou shalt give[c] to me the first-born of thine oxen, and thy sheep; seven days shall it be with its dam; on the eighth day thou shalt give it me.

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[a] Nu. 3[47] About three dollars or twelve shillings.

§ 188 This institution is firmly established in the earliest codes and dates from the nomadic period of Israel's history. The primitive Arabs also appear to have had it.

[b] Ex. 13[12] Lit., *cause to pass over.*

[c] Ex. 22[30] Heb., *Likewise shalt thou do.*

Deuteronomic Codes

Dt. 14 [23]Before Jehovah thy God, in the place in which he shall choose to have his name dwell, thou shalt eat the tithe of thy grain, of thy new wine, and of thine oil, and the first-born of thy herd and of thy flock, that thou mayest learn to fear Jehovah thy God always. [24]And if the way be too long for thee, so that thou art not able to carry it, because the place, where Jehovah thy God shall choose to set his name, is too far from thee; when Jehovah thy God shall bless thee, [25]thou shalt exchange thy offering for money, and shalt bind up the money in thy hand, and shalt go to the place which Jehovah thy God shall choose; [26]and thou shalt spend the money for whatever thou desireth, for oxen, or for sheep, or for wine, or for strong drink, or for whatever thine appetite craveth; and thou shalt eat there before Jehovah thy God, and thou shalt rejoice, together with thy household. [27]Thou shall not forsake the Levite who is within thy city, for he hath no portion nor inheritance with thee. Presentation at the sanctuary

15 [19]All the first-born males of thy herd and of thy flock thou shalt consecrate to Jehovah thy God; thou shalt do no work with the first-born of thy herd, nor shear the first-born of thy flock. [20]Thou, together with thy household, shalt eat it before Jehovah thy God year by year in the place which Jehovah shall choose. [21]And if it have any blemish, such as lameness or blindness or any evil blemish whatever, thou shalt not sacrifice it to Jehovah thy God. [22]Thou shalt eat it within thy gates; the unclean and the clean shall eat it alike, as the gazelle, and as the hart. Only perfect animals acceptable

Priestly Codes

Nu. 18 [15]Everything that openeth the womb, of all flesh which they offer to Jehovah, both of man and beast shall be thine; only for the first-born of man thou shalt receive a ransom, and for the first-born of unclean beasts thou shalt receive a ransom. [16]At a month old thou shalt receive its ransom price according to thy valuation, the sum of five shekels, after the shekel of the sanctuary, which contains twenty gerahs. [17]But for the first-born of a cow, or the first-born of a sheep, or the first-born of a goat, thou shalt not receive a ransom; they are holy; thou shalt dash their blood upon the altar, and shalt burn their fat as an offering made by fire as an odor pleasing to Jehovah. [18]Their flesh shall be thine; like the wave-breast and the right thigh, it shall be thine. Only unclean animals to be redeemed

§ 189. **Firstfruits,** Ex. 34[26a] [23[19a]], Dt. 18[4], 26[1-11], Lev. 19[24], 23[10, 11], Nu. 15[17-21], Lev. 2[14-16]

Primitive Codes

Ex. 34 [26a]The first of the firstfruits of thy ground thou shalt bring to the house of Jehovah thy God. Presentation

§ 189 It was natural that as the Hebrews passed over to the agricultural stage, they should also bring to Jehovah the first products of the field, as well as of the herd and flock. Among the Canaanites this institution was probably in force long before the Hebrews appeared in Palestine. With the Babylonians vegetable offerings were in the preponderance. The formula of Dt. 26, to be used when the firstfruits were presented, is in perfect keeping with the religious and didactic aims of the Deuteronomic lawgivers.

Deuteronomic Codes

Method and ritual of presentation

Dt. 18 [4]The firstfruits of thy grain, of thy new wine, and of thine oil, and the first of the fleece of thy sheep, shalt thou give to Jehovah.

26 [1]When thou shalt come into the land which Jehovah thy God is about to give thee as an inheritance, and shalt possess it, and dwell therein, [2]thou shalt take a part of the first of all the fruit of the ground, which thou shalt bring in from thy land that Jehovah thy God giveth thee; and thou shalt put it in a basket, and shalt go to the place in which Jehovah thy God shall choose to have his name dwell. [3]And thou shalt come to the priest who shall be officiating in those days, and say to him, I declare this day to Jehovah thy God, that I have come to the land which Jehovah promised by oath to our fathers to give to us. [4]Then the priest shall take the basket out of thy hand, and set it down before the altar of Jehovah thy God. [5]And thou shalt speak out and say before Jehovah thy God, An Aramean[d] ready to perish was my father; and he went down into Egypt, and resided there as an alien, few in number; and he became there a nation, great, mighty, and populous. [6]And the Egyptians dealt evilly with us, and afflicted us, and laid upon us hard bondage. [7]Then we cried to Jehovah, the God of our fathers, and Jehovah heard our cry, and saw our affliction, and our toil, and our oppression; [8]and Jehovah brought us forth from Egypt with a strong hand, and with an outstretched arm, and with great terrors, and with signs, and with wonders; [9]and he hath brought us into this place, and hath given us this land, a land abounding in milk and honey. [10]Now, therefore, I have brought the first of the fruit of the ground, which thou, O Jehovah, hast given me. And thou shalt set it down before Jehovah thy God; [11]and thou shalt rejoice in all the good which Jehovah thy God hath given to thee and to thy household, together with the Levite and the alien who resideth in thy midst.

Holiness Code

Fruit of trees

Lev. 19 [24]On the fourth year all the fruit of a young tree shall be holy, a praise-offering to Jehovah.

First sheaf

23 [10]Speak to the Israelites and say to them, When ye come into the land which I am about to give to you, and reap its harvest, ye shall bring the sheaf of the firstfruits of your harvest to the priest, [11]and he shall wave the sheaf before Jehovah that ye may be accepted; on the day following the sabbath the priest shall wave it.

Priestly Codes

First of the dough

Nu. 15 [17]Jehovah gave this command to Moses: [18]Speak to the Israelites and say to them, 'When ye come into the land to which I am about to bring you, [19]and when ye eat of the bread of the land, ye shall offer up a special offering to Jehovah. [20]Of the first of your dough ye shall offer up a cake as a special offering; like the special offering from the threshing-floor, shall ye offer it.

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[d] Dt. 26⁵ *I. e., Jacob*, cf. Gen. 24[10, 24].

Priestly Codes

[21]Of the first of your dough ye shall give to Jehovah a special offering throughout your generations.'[e]

Supplementary Priestly Codes

Lev. 2 [14]If thou offer a cereal-offering of firstfruits to Jehovah, thou shalt offer for the cereal-offering of thy firstfruits fresh grain in the ear, parched with fire and crushed. [15]And thou shalt put oil on it, and lay frankincense on it; it is a cereal-offering. [16]And as a memorial of it the priest shall burn part of the crushed grain and part of the oil, with all the frankincense; it is an offering made by fire to Jehovah. Presentation of first of grain

§ 190. **Tithes,** Dt. 14[22-27], 26[12-15], Nu. 18[25-32], Lev. 27[30-33]

Deuteronomic Codes

Dt. 14 [22]Of all the produce of thy seed thou shalt take a tenth of all that groweth in the field each year, [23]and before Jehovah thy God, in the place in which he shall choose, to have his name dwell, thou shalt eat the tithe of thy grain, of thy new wine, and of thine oil, and the first-born of thy herd and of thy flock, that thou mayest learn to fear Jehovah thy God always. [24]And if the way be too long for thee, so that thou art not able to carry it, because the place which Jehovah thy God shall choose to set his name, is too far from thee; when Jehovah thy God shall bless thee, [25]thou shalt exchange thy offering for money, and shalt bind up the money in thy hand, and shalt go to the place which Jehovah thy God shall choose; [26]and thou shalt spend the money for whatever thou desireth, for oxen, or for sheep, or for wine, or for strong drink, or for whatever thine appetite craveth; and thou shalt eat there before Jehovah thy God, and thou shalt rejoice together with thy household. [27]Also thou shalt not forget the Levite who dwelleth within thy town, for he hath no portion nor inheritance with thee. Presentation of the regular tithes

26 [12]When thou hast made an end of tithing all the tithe of thy produce in the third year, which is the year of tithing, then thou shalt give it to the Levite, to the resident alien, to the fatherless, and to the widow, that they Triennial tithe for the needy

[e] Nu. 15[18b-21] This passage appears to have been taken from an earlier collection of priestly directions.

§ 190 The tithe, as a rate of taxation, was known among many early peoples, including the Babylonians (Jastrow, *Relig. of Babs. and Assyrs.*, 668), the Egyptians (Maspero, *Struggle of the Nats.*, 312), Sabeans (Plin. *NH.* 12[63]), Carthagenians (Diod. Sic. 20[14]) and Syrians (I Mac. 10[31], 11[35]). From I Sam. 8[15, 17] it appears that a tithe of the product of the fields and vineyards and flocks was also levied as a tax by Solomon or later Israelitish kings. There is no trace, however, of the sacred tithe in the oldest Heb. codes. It appears first in Northern Israel in the days of Amos, 4[4]; but the law of Dt. 14[22-27] suggests that in the days of Josiah the institution had long been established.

In the Deuteronomic codes the tithe is only levied on the products of the field and olive and vineyard. Two out of every three years it or the equivalent was consumed by the individual offerer and his family and dependents at the central sanctuary; on the third year it was distributed among the needy in the community. Since this law is bound up with that of the sabbatical year, it would appear that only three out of every cycle of seven years was the special tithe thus set aside for the needy. From the first Jehovah's special part in the tithe doubtless went to the Levitical priests. As has already been noted, § 160, until the days of Nehemiah, however, their income was very uncertain, cf. Neh. 13[10-13]. In the priestly codes all the tithe goes to the Levites. The supplemental priestly passage, Lev. 27 also adds the tithe of the herd and flock, *i. e.*, of the increase of each year. As interpreted by the Rabbis this went to the priests, cf. Tobit 1, Jubilees, 32[15].

Deuteronomic Codes

may eat within thy city, and be filled. [13]And thou shalt say before Jehovah thy God, I have put away the consecrated things out of my house, and have also given them to the Levite, and to the resident alien, to the fatherless and to the widow, just as thou hast commanded me; I have not transgressed any of thy commands, neither have I forgotten them: [14]I have not eaten it in my mourning,[f] neither have I put away any of it, while I was unclean, nor given of it for the dead;[g] I have hearkened to the voice of Jehovah my God; I have done just as thou hast commanded me. [15]Look down from thy holy habitation, from heaven, and bless thy people Israel, and the ground which thou hast given us, as thou promised by oath to our fathers, a land abounding in milk and honey.

Priestly Codes

Tithe of the tithe for the priests

Nu. 18 [25]Jehovah gave this command to Moses, [26]Thou shalt speak to the Levites, and say to them, 'When ye take from the Israelites the tithe which I have granted you from them as your inheritance, ye shall make a contribution from it to Jehovah, a tithe of the tithe. [27]And your contribution shall be accredited to you, as though it were the grain of the threshing-floor, and as the full produce of the winepress. [28]Thus ye also shall make a contribution to Jehovah of all your tithes which ye receive of the Israelites; and out of them[h] ye shall give Jehovah's full contribution to Aaron the priest. [29]Out of all your gifts ye shall make the full contribution due to Jehovah, even the consecrated parts of these gifts, selecting it from the best of them.' [30]Therefore say to them, 'When ye have contributed from your gifts the best of them, the rest shall be reckoned to the Levites as the produce of the threshing-floor and of the winepress. [31]And ye may eat it anywhere, ye and your families; for it is your reward in return for your service in the tent of meeting. [32]When ye have contributed the best of your tithes, ye shall incur no guilt on account of it; and ye shall not profane the holy things of the Israelites, lest ye die.'

Supplemental Priestly Codes

Tithe of the herd and flock

Lev. 27 [30]All the tithe of the land, whether the seed of the land, or of the fruit of the tree, belongeth to Jehovah; it is holy to Jehovah. [31]And if a man wish to redeem any of his tithe, he shall add to it the fifth part of it. [32]And all the tithe of the herd or the flock, the tenth of whatever passeth under the rod,[i] shall be holy to Jehovah. [33]The owner shall not look to see whether it is good or bad, nor shall he change it; and if he change it, both it and that for which it is changed shall be holy: it may not be redeemed.

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[f] Dt. 26[14] *I. e.*, while ceremonially unclean.

[g] Dt. 26[14] Probably referring to the custom of sending gifts of food to the relatives and friends of the dead, cf. II Sam. 3[35], Jer. 16[7], Ezek. 24[17]. Possibly the allusion is to the practice of putting food on the grave, cf. Tobit 4[18].

[h] Nu. 18[28] *I. e.*, the tithes.

[i] Lev. 27[32] *I. e.*, is counted.

§ 191. Poll Tax, Ex. 30[11-16]

Supplemental Priestly Codes

To be paid by every adult male

Ex. 30 [11]Jehovah gave this command to Moses: [12]When thou takest the census of the Israelites according to their numbering, they shall give each a ransom for his life to Jehovah, when thou numberest them, that no plague come upon them. [13]This is the sum that each shall give who passeth over to those who are numbered, half a shekel according to the standard of the sanctuary[j] (the shekel is twenty gerahs); half a shekel as an offering to Jehovah. [14]Every one who passeth over to those who are numbered, from twenty years old and upward,[k] shall present the offering of Jehovah. [15]The rich shall not give more, and the poor shall not give less than the half shekel when they present the offering of Jehovah to make atonement for your lives. [16]And thou shalt take the atonement money from the Israelites and shall give it for the service of the tent of meeting that it may be a memorial before Jehovah in behalf of the Israelites, to make atonement for their[l] lives.

§ 192. Voluntary Offerings, Ex. 34[20c], 22[29a], Dt. 16[10, 16, 17] [12[5-8]], Lev. 22[17-20]

Primitive Codes

Required of all

Ex. 34 [20c]None shall appear before me empty-handed.

Ex. 22 [29a]Thou shalt not delay to offer of thy harvest, and of the outflow of thy presses.

Deuteronomic Codes

To be presented at the annual feasts

Dt. 16 [10]Thou shalt keep the feast of weeks to Jehovah thy God according to the measure of the voluntary offering which thy hands shall present, in proportion as Jehovah thy God blesseth thee. [16]Three times in a year shall all thy males appear before Jehovah thy God in the place which he shall choose: at the feast of unleavened bread, and at the feast of weeks, and at the feast of tabernacles; and they shall not appear before Jehovah empty-handed; [17]every man shall give as he is able, according to the individual gift with which Jehovah thy God hath blessed thee.

Holiness Code

Only perfect animals acceptable

Lev. 22 [17]Jehovah gave this command to Moses: [18]Speak to Aaron, and to his sons, and to all the Israelites, and say to them, 'If any man of the house of

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§ 191 According to Neh. 10[33] the annual temple tax consisted of one-third of a shekel. The present law evidently comes from a period later than the great reformation of 400 B.C. This poll tax, about thirty-three cents, in the subsequent period was faithfully paid by all loyal Jews, and brought into the temple a very large income.

[j] Ex. 30[13] *I. e.*, full weight, not depreciated, as were most of the current coins of Palestine.

[k] Ex. 30[14] Cf. § 34.

[l] Ex. 30[16] Heb., *your*.

§ 192 Voluntary gifts, depending upon the prosperity and generosity of the individual giver, constituted the chief offerings presented at the pre-exilic sanctuaries. After the exile the required offerings were greatly increased, but the zeal of the worshippers also increased, so that many voluntary gifts were doubtless still brought to the sanctuary.

Holiness Code

Israel, or of the aliens residing in Israel, bring his offering, whether it be any of the vows, or any of the voluntary offerings, which are brought to Jehovah as a burnt-offering; [19]in order that ye may be accepted, ye shall offer a male without blemish, of the bullocks, of the sheep, or of the goats. [20]But whatever hath a blemish ye shall not offer, for it will not be accepted for you.'

§ 193. **Things Vowed or Devoted,** Dt. 23[21-23. 18], 12[26], Nu. 30, 6[13-21], Lev. 27[1-29]

Deuteronomic Codes

A vow made to be paid

Dt. 23 [21]When thou vowest a vow to Jehovah thy God, thou shalt not delay to pay it; for Jehovah thy God will surely require it of thee and it will be sin on thy part. [22]But if thou refrain from making a vow, it shall be no sin on thy part. [23]That which thy lips have declared thou shalt faithfully do, according as thou hast vowed to Jehovah thy God, a voluntary offering, which thou hast promised by word of mouth. [18]Thou shalt not bring the hire of a harlot, or the wages of such a dog, into the temple of Jehovah thy God for a vow; for both these are an abomination to Jehovah thy God.

Not with immoral gain

At the temple

12 [26]Thou shalt take the consecrated things which thou hast, and thy votive-offerings, and go to the place which Jehovah shall choose.

Supplemental Priestly Codes

A man's vow

Nu. 30 [1]Moses said to the heads of the tribes of the Israelites, This is the thing which Jehovah hath commanded: [2]'When a man voweth a vow to Jehovah, or sweareth an oath to bind himself with a bond, he shall not break his word; he shall do just as he declared.

Vow made by an unmarried daughter

[3]Also when a woman maketh a vow to Jehovah and bindeth herself by a pledge, while she is still in her father's house, in her youth, [4]and her father heareth her vow, and her pledge with which she hath bound herself, and her father say nothing to her; then all her vows shall be valid, and every pledge with which she hath bound herself shall be valid. [5]But if her father express his disapproval of her on the day that he heareth, none of her vows, or of her pledges with which she hath bound herself, shall be valid; and Jehovah will forgive her, because her father expressed his disapproval of her.

By a wife

[6]And if she be married while her vows are upon her, or the rash utterance of her lips, with which she hath bound herself, [7]and her husband hear it, and

§ 193 The widespread Semitic custom of making vows is assumed by these laws. The classic O.T. example of a vow are, (1) that of Jephthah, Judg. 11[30ff], according to which he promised if Jehovah would give him the victory over his foes, to sacrifice the first one who came to meet him on his return; and (2) Saul's similar vow, which would have cost the life of his valiant son Jonathan had not the people interfered, I Sam. 14[24-45]. The vow was of the nature of a contract between the individual and Jehovah and was all the more binding because the Deity was one of the parties to it. The present laws, however, no longer recognize human sacrifice, but provide an equivalent offering in case a man, for example, vows that he will give one of his children to Jehovah. The priest, as Jehovah's representative determines the valuation. Especially in the case of the poor, the danger of extortion was great as the law itself recognizes by making a special provision, Lev. 27[8]. The law regarding the redemption of persons and things vowed is very late, for it assumes the late regulation regarding the year of jubilee, but II Kgs. 12[4] contains a reference to the custom which indicates that the institution was in vogue at an early date. The Marseilles Tablet also demonstrates that it was known to the Phœnicians and probably the ancient Canaanites, as well as to the Hebrews, cf. Appendix VIII.

Supplemental Priestly Codes

say nothing to her on the day that he heareth it; then her vows shall be valid, and her pledges with which she hath bound herself shall be valid. 8But if her husband express his disapproval of her on the day that he heareth it, then he rendereth her vow invalid, and the rash utterance of her lips, with which she hath bound herself, and Jehovah will forgive her.

By a widow or divorced woman

9But in the case of the vow of a widow, or of one who is divorced, everything with which she hath bound herself, shall be valid against her. 10And if she vowed in her husband's house, or bound herself with a pledge by an oath, 11and her husband heard it, and said nothing to her, and expressed no disapproval of her, then all her vows shall be valid, and every pledge with which she bound herself shall be valid. 12But if her husband made them null and invalid, on the day that he heard them, then whatever she declared concerning her vows, or her pledge shall not be valid; her husband hath made them invalid, and Jehovah will forgive her. 13Every vow, and every oath pledging some self-infliction, her husband may render valid or invalid. 14But if her husband say nothing to her from day to day, then he rendereth all her vows, or all her pledges which rest upon her valid; he hath rendered them valid because he said nothing to her on the day that he heard them. 15But if he render them null and invalid after he hath heard them, then he taketh her iniquity upon himself. 16These are the statutes, which Jehovah commanded Moses, between a man and his wife, between a father and his daughter, while she is still a girl in her father's house.'

Priestly Codes

Nazirite's offering at end of his period

Nu. 6 13This is the law of the Nazirite: When the days of his separation[m] are at an end he shall come[n] to the entrance of the tent of meeting. 14And he shall offer as his gift to Jehovah, one yearling male lamb without blemish as a burnt-offering, and one ewe-lamb a year old without blemish as a sin-offering, and one ram without blemish as a peace-offering, 15and a basket of unleavened bread, cakes of fine meal mixed with oil, and unleavened wafers anointed with oil, and their cereal-offering and libations.[o] 16And the priest shall present them before Jehovah, and shall offer his sin-offering, and his burnt-offering; 17and he shall sacrifice the ram as a peace-offering to Jehovah, together with the basket of unleavened bread; the priest shall also present its cereal-offering and its libation.

Ritual to be observed

18Then the Nazirite shall shave his consecrated[p] head at the entrance of the tent of meeting, and shall take his consecrated[p] hair,[q] and put it on the fire which is under the sacrifice of peace-offering. 19And the priest shall take the boiled shoulder of the ram, and one unleavened cake from the basket, and one unleavened wafer, and shall lay them on the hands of the Nazirite,

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[m] Nu. 6¹³ Or, *Naziriteship.*
[n] Nu. 6¹³ Through what must be a scribal error the Heb. reads, *he shall be brought.*
[o] Nu. 6¹⁵ According to Nu. 15⁴⁻⁶ these consisted of about three and one-half pints of fine meal and about seven pints of wine.
[p] Nu. 6¹⁸ Lit., *of his separation* or *Naziriteship.*
[q] Nu. 6¹⁸ The hair was regarded as sacred by many ancient peoples, and therefore suitable as a special offering.

Priestly Codes

after he hath shaved off the evidence of his separation. [20]Then the priest shall wave them as a wave-offering before Jehovah; this is an holy gift for the priest, together with the wave-breast and the thigh of the contribution; after that the Nazirite may drink wine.

Résumé of his obligations

[21]This is the law of the Nazirite who taketh a vow in regard to his gift to Jehovah in accordance with his separation, in addition to what he is able to offer; according to his vow which he voweth, so he must do in accordance with the law of his separation.

Supplemental Priestly Codes

Tariff for redemption of things vowed: individuals

Lev. 27 [1]Jehovah gave this command to Moses: [2]Speak to the Israelites, and say to them, 'When a man fulfilleth a vow to Jehovah which involveth thy valuation of persons, [3]for a male between twenty and sixty years of age thy valuation shall be fifty shekels of silver, by the standard[r] of the sanctuary. [4]And if it be a female, thy valuation shall be thirty shekels. [5]And if it be between the age of five years and twenty years, thy valuation shall be for a male twenty shekels, and for a female ten shekels. [6]And if it be between the ages of one month and five years, thy valuation shall be for a male five shekels of silver, and for a female three shekels of silver. [7]And if it be for the age of sixty years and upward, thy valuation shall be for a male fifteen shekels, and for a female ten shekels. [8]But if the man be too poor to pay the valuation, the person vowed shall be placed[s] before the priest, and the priest shall value him; according to the means of him who made the vow shall the priest value him.

Animals

[9]And if it be a beast, of a kind which may be offered to Jehovah, all that any man giveth of such to Jehovah shall be holy. [10]He shall not alter or exchange it, a good for a bad, or a bad for a good; and if he exchange beast for beast, then both it and that for which it is exchanged shall be holy. [11]And if it be an unclean beast, of a kind which they do not offer to Jehovah, then he shall set the beast before the priest; [12]and the priest shall value it, estimating how good or bad it is; as thou, the priest, valuest it, so shall it be. [13]But if he wish to redeem it, he shall add the fifth part to thy valuation.

Houses

[14]And when a man consecrateth his house to be holy to Jehovah, the priest shall value it, estimating how good or bad it is: as the priest valuest it, so shall it stand. [15]And if he who consecrated it wish to redeem his house, he shall add the fifth part of the money of thy valuation to it, and it shall be his.

Hereditary fields and growing crops

[16]And if a man consecrate to Jehovah part of the field of his possession, thy valuation shall be in proportion to the seed sown upon it to the sowing thereof: if sown with a homer of barley it *shall be valued* at fifty shekels of silver. [17]If he consecrate his field from the year of jubilee, it shall stand according to thy valuation. [18]But if he consecrate his field after the jubilee, the priest shall reckon to him the money in proportion to the years that remain until the year of jubilee; and an abatement shall be made from thy

[r] Lev. 27[3] Lit., *shekel*.
[s] Lev. 27[8] Lit., *one shall set*; so also in [11].

Supplemental Priestly Codes

valuation. [19]And if he who consecrated the field wish to redeem it, then he shall add the fifth part of the money of thy valuation to it, and it shall be assured to him. [20]But if he will not redeem the field, or if he have sold the field to another man, it shall not be redeemed any more; [21]but the field, when it is released in the jubilee, shall be holy to Jehovah, as a field devoted; it shall be the possession of the priest. [22]And if he consecrate to Jehovah a field which he hath bought, which is not one of the fields of his possession, [23]the priest shall reckon to him the amount of thy valuation until the year of jubilee; and he shall give thy valuation in that day, as a thing holy to Jehovah. [24]At the year of jubilee the field shall return to him of whom it was bought, even to him to whom the possession of the land belongeth. [25]And all thy valuations shall be according to the shekel of the sanctuary; twenty gerahs shall be the shekel.

First-lings of clean and unclean animals

[26]Only the firstling of animals, which as such belongeth to Jehovah, no man shall consecrate whether it be ox or sheep, it is Jehovah's. [27]And if it be the firstling of an unclean beast, he shall ransom it according to thy valuation, and shall add to it the fifth part of it; or if it be not redeemed, then it shall be sold according to thy valuation.

Things devoted to Jehovah

[28]Nevertheless, no devoted thing, that a man may devote to Jehovah of all that he hath, whether of man or beast, or of the field of his possession, shall be sold or redeemed; every devoted thing is most holy to Jehovah. [29]None devoted, that shall be devoted from among men, shall be ransomed; he shall surely be put to death.' [t]

§ 194. Spoils of War, Nu. 31[25-31]

Supplemental Priestly Codes

Part due Jehovah

Nu. 31 [25]Jehovah commanded Moses, [26]Make an estimate of the booty that was taken, both of man and of beast, thou, and Eleazar the priest, and the heads of the fathers' houses of the congregation; [27]and divide the booty into two parts between the men skilled in war, who went out to battle, and all the congregation. [28]And levy a contribution for Jehovah upon the warriors who went out to battle: one in five hundred, of the persons, and of the oxen, and of the asses, and of the flocks; [29]take it from their half, and give it to Eleazar the priest, as a special contribution to Jehovah. [30]And from the Israelites' half thou shalt take one drawn out of every fifty, of the persons, of the oxen, of the asses, and of the flocks, *even* of all the cattle, and give them to the Levites, who have charge of the dwelling of Jehovah. [31]And Moses and Eleazar the priest did as Jehovah commanded Moses.

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[t] Lev. 27[29] This law doubtless refers to heathen captives or idolaters placed under the ban, cf. §§ 58–60.

§ 194 This late traditional precedent represents one of the many ways in which later Judaism sought to secure for the temple and its officials a definite and generous income. From the earliest times a part of the spoils of war were doubtless dedicated to the Deity, cf. *e. g.*, Josh. 7. The Moslem law enacts that one-fifth of the spoil belongs to God, Kor. 8[42].

H

Sacrificial Offerings

§ 195. Animals Suitable for Sacrifice, Dt. 15[21], 17[1], Lev. 22[18b-27] [1[2b, 3]]

Deuteronomic Codes

Only perfect animals

Dt. 15 [21]If an animal have any blemish, such as lameness or blindness or any evil blemish whatever, thou shalt not sacrifice it to Jehovah thy God.

17 [1]Thou shalt not sacrifice to Jehovah thy God an ox, or a sheep, in which is a blemish or anything evil, for that is an abomination to Jehovah thy God.

Holiness Code

Detailed specifications

Lev. 22 [18b]If any man of the house of Israel or of the aliens residing in Israel bring his offering, whether it be any of the vows or voluntary offerings

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Sacrificial Offerings.—The prophetic tradition in the story of Cain and Abel traces the institution of sacrifice back to the beginnings of human history. The earliest Bab. inscriptions contain frequent references to both animal and vegetable sacrifices. The Babylonians believed that the institution originated with the creation of the world. Thousands of years before the beginnings of Hebrew history the usages and laws of sacrifice had been developed, subject to local modifications. Most of the sacrificial terms employed in the O.T. had long been in use among the Babylonians. Like prayer and song, sacrifice in antiquity was almost universally regarded as a necessary element in all religious worship. Perhaps the original, and certainly in the O.T. the prevailing idea of sacrifice is that of a gift or tribute to the Deity. Thus the oldest common designation of a sacrificial offering, *minhah*, was also employed to describe a gift proffered to a friend or a chieftain or an offended brother (as when Jacob returned to his brother Esau, Gen. 32[13, 18]). In the ritual the *minhah* included animal as well as other sacrificial offerings. The corresponding late priestly term, *korban*, gift or present, has a similar broad content. The laws and literature of sacrifice reflect the idea of the primitive age when the prevailing conceptions of the gods were exceedingly anthromorphic. Since early man was, like the normal small boy, usually possessed of a strongly developed appetite, it was inevitable that he should regard food as the gift most suitable and acceptable to his god. In the Bab. literature this idea is clearly and frequently expressed. In the Bab. account of creation the gods are represented as feasting and drinking together, cf. Vol. I, p. 366. Elsewhere we are told that the *glorious gods smell the incense, the noble food of heaven, they enjoy the pure wine which no hand hath touched*, 4 R. 19[54], or again we find the parallel expressions, *eat the food, accept his sacrifice*, 4 R. 17[56].

As man's conceptions of the Deity became more spiritualized, he recognized that the god could not, as a human being, partake of the offerings brought to him; accordingly the parts set aside for the Deity were consumed by fire that he might *smell the pleasant odor*, even as when Noah sacrificed to Jehovah, Gen. 8[21]. At other times, Jehovah's portion was consumed by his representatives, the priests. In the case of animal sacrifices the most sacred part, the blood that represents the life, cf. note § 173, was poured out upon the ground or dashed against the altar that it might thus be presented to the Deity.

It was natural that out of the belief that the Deity was pleased with gifts of food should grow the kindred conception of sacrifice as a sacrificial meal. Even in the later priestly ritual an ordinary sacrifice had all the ordinary accessories of the usual Heb. meal: the meat, cakes of meal mixed with olive oil, and a measure of wine. Judg. 6[19] contains one of the most striking of the many illustrations of this popular belief, for it states that when the Messenger of Jehovah came to him, *Gideon went in and prepared a kid, and unleavened cakes from an ephah of flour; he put the broth in a pot, and brought it out to the divine Messenger*. The tradition adds that after this meal had been laid out on the rock, and the broth had been poured out, the divine Messenger touched with his staff the food thus prepared, and a fire went up from the rock and consumed the food.

The early narrative in I Sam. 9 and the sacrificial laws in Dt. give vivid pictures of the pre-exilic sacrificial meals at the local shrines and later at the central sanctuary in Jerusalem. Amid great rejoicing they shared their sacrificial offerings with their Divine Host, their families, and the needy in the community. Each individual offerer slew and prepared his own sacrificial animal. As has already been noted, Introd., p. 43, the exile changed these feasts to fasts; the performance of the sacrificial offering also passed largely from the hands of the individual offerer to the priests, as the ritual became more elaborate and was more carefully guarded from all ceremonial defilement. The chief aim of sacrifice ceased to be praise and homage, and it came to represent more and more the effort of the individual and community to appease Jehovah's wrath and secure and retain his favor.

Holiness Code

which are brought to Jehovah as a burnt-offering, [19]in order that ye may be accepted, ye shall offer a male without blemish, of the bullocks, of the sheep, or of the goats. [20]But ye shall not offer anything that hath a blemish, for it will not be accepted for you. [21]Whoever bringeth a sacrifice of peace-offerings to Jehovah as a votive-offering[a] or as a voluntary offering from the herd or the flock, it must be perfect to be accepted; there must be no blemish in it. [22]Animals that are blind, or broken, or maimed, or that have running sores, or scurvy or are scabbed, ye shall not offer to Jehovah, nor make of them an offering by fire on the altar to Jehovah. [23]A bullock or a lamb, however, which hath any part too long or too short,[b] thou mayest offer as a voluntary offering, but it will not be accepted as a votive-offering. [24]Ye shall not offer to Jehovah that which hath the testicles bruised, or crushed, or torn off, or cut off; ye shall not sacrifice such animals in your land;[c] [25]nor shall ye offer any of these from the hand of a foreigner as food for your God; because they are corrupt, there is a blemish in them,[d] they will not be accepted for you.

[26]Jehovah gave this command to Moses: [27]When a bullock, or a sheep, or a goat, is born, it shall be seven days with its mother; and from the eighth day and after it may be accepted as a gift, an offering made by fire to Jehovah. Age of victim

I

THE DIFFERENT FORMS OF OFFERINGS

§ 196. Ordinary Animal Sacrifice (*Zĕbhăch*), Ex. 10[24, 25], 18[12], Dt. 12[11], Lev. 3[1-7a]

Primitive Codes

Ex. 10 [24]Pharaoh summoned Moses, and said, Go ye, worship Jehovah; only let your flocks and your herds remain behind; let your little ones also go with you. [25]But Moses said, Thou must also give into our hand sacrifices and burnt-offerings, that we may sacrifice to Jehovah our God. Early precedents

18 [12]Jethro, Moses' father-in-law, took a burnt-offering and sacrifices for God, and Aaron came with all the elders of Israel to eat with Moses' father-in-law before God.

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[a] Lev. 22[21] Lit., *to fulfil a special vow.*

[b] Lev. 22[23] Or, *superfluous* or *lacking.*

[c] Lev. 22[24] Lit., *and in your land ye shall not do, i. e.,* sacrifice. Jos. interprets, *nor shall ye do thus, i. e.,* practice any of these four methods of castrating animals. The former rendering does better justice to the text.

[d] Lev. 22[25] Lit., *their corruption is in them.*

Different Forms of Offerings.—At least five distinct forms of sacrificial offerings can be distinguished in the earliest periods of Israel's history. The form chosen depended upon the occasion, the object of the offering, and to a great extent at first upon the feeling of the individual offerer. In the later ritual, however, the form of the sacrifice was definitely prescribed. Several of the earlier independent offerings were combined; thus the bloody sacrifices assumed the central place, and the cereal-offerings and the libations were required simply as accessories.

§ 196 By far the most common form of sacrifice both in the earlier and later periods was the ordinary private animal sacrifice in which the victim was killed by the offerer at the sanctuary. Probably before, as after the exile, the priest dashed its blood against the altar and burnt the fat upon the altar, as Jehovah's portion. A part went to the officiating priest in return for his services and the rest was consumed by the offerer, his family, friends, and dependents in the temple courts.

Deuteronomic Codes

To be presented at the temple

Dt. 12 [11]At the place in which Jehovah your God shall choose to have his name dwell, thither shall ye bring all that I command you: your burnt-offerings, and your sacrifices, your tithes, and the individual contributions of your hand,[e] and your choice vows which ye vow to Jehovah.

Priestly Codes

Method of presentation

Lev. 3 [1]When a man's gift is a sacrifice of peace-offerings,[f] if he bring it from the herd, whether male or female, he shall offer one that is without blemish before Jehovah. [2]He shall lay his hand on the head of his offering and kill it at the entrance of the tent of meeting; and Aaron's sons, the priests, shall dash the blood against the altar round about. [3]Then he shall present from the sacrifice of peace-offerings an offering made by fire to Jehovah; the fat that covereth the entrails, and all the fat that is about the entrails, [4]and the two kidneys, and the fat that is on them near the loins, and the fatty mass next to the liver, which mass he shall remove as far as the kidneys.[g] [5]Aaron's sons, the priests,[h] shall burn[i] it on the altar over the burnt-offering, which is upon the wood that is on the fire; it is an offering made by fire of an odor pleasing to Jehovah.

[6]If his gift as a sacrifice of peace-offerings to Jehovah be from the flock, a male or a female, he shall offer it without blemish. [7a]If he bring a lamb as his offering, he shall present it before Jehovah.

§ 197. **The Holocaust** (*Ôlâh*), Gen. 8[20], Ex. 20[24], Dt. 27[6], 12[11. 27a], Lev. 1[3-17], 6[8-13]

Primitive Code

An early precedent

Gen. 8 [20]Noah built an altar to Jehovah, and took of every clean beast and of every clean bird, and offered burnt-offerings on the altar.

On many altars

Ex. 20 [24]An altar of earth thou shalt make to me, and shalt sacrifice on it thy burnt-offerings, and thy peace-offerings, thy sheep, and thine oxen; in every place where I record my name I will come to thee and will bless thee.

Dt. 27 [6]Thou shalt build the altar of Jehovah thy God of unhewn stones; and thou shalt offer burnt-offerings on it to Jehovah thy God.

Deuteronomic Codes

Only at the temple

Dt. 12 [11]At the place in which Jehovah your God shall choose to have his name dwell, thither shall ye bring all that I command you: your burnt-

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[e] Dt. 12[11] Lit., *reserved portions of your hands.*

[f] Lev. 3[1] Or, *thank-offerings.* So vs. [6]. The term denotes primarily a sacrifice in token of alliance or friendship. This law in 3[1-7a] was probably found originally among the priestly directions.

[g] Lev. 3[4] Or, *with the kidneys.*

[h] Lev. 3[5] So Gk. Heb. omits, *the priests.*

[i] Lev. 3[5] Lit., *cause it to ascend in smoke.*

§ 197 The holocaust or whole burnt-offering goes back to the beginnings of Heb. history. The entire animal was consumed on the altar that it might thus be given entirely to Jehovah. In the priestly codes the victim itself appears to have been slain by the offerer; but in later practice it was left to the priests. The priestly laws also specify very definitely the ritual to be observed by them.

Deuteronomic Codes

offerings, your sacrifices, your tithes, your individual contributions, and all your choice vows which ye vow to Jehovah. [27a]And thou shalt offer thy burnt-offerings, both the flesh and the blood, upon the altar of Jehovah thy God.

Priestly Codes

Lev. 1 [3]If his gift be a burnt-offering from the herd, he shall offer a male[j] without blemish; he shall present it at the entrance of the tent of meeting, that he may be accepted before Jehovah. [4]He shall lay his hand on the head of the burnt-offering, and it shall be accepted in his behalf to make atonement for him. [5]Then he[k] shall kill the bullock before Jehovah; and Aaron's sons, the priests, shall bring the blood, and dash the blood round about against the altar that is at the entrance of the tent of meeting. [6]Then he shall flay the burnt-offering and cut it into pieces. [7]And Aaron's sons, the priests,[l] shall put fire on the altar, and lay wood in order upon the fire; [8]and Aaron's sons, the priests, shall lay the pieces, together with[m] the head and the suet, in order upon the wood that is on the fire which is upon the altar; [9]but its entrails and its legs shall be washed[n] with water. Then the priest shall burn the whole on the altar; it is[o] a burnt-offering, an offering made by fire, of an odor pleasing to Jehovah.

Ritual in offering animals from the herd

[10]If his gift be from the flock, a sheep or a goat[p] as a burnt-offering, he shall offer a male without blemish.[q] [11]And he shall kill it on the north side of the altar before Jehovah; and Aaron's sons, the priests, shall dash its blood against the altar round about. [12]Then he shall cut[r] it into pieces; and the priest[s] shall lay them together with the head and the suet in order on the wood that is on the fire which is upon the altar; [13]but the entrails and the legs shall be washed with water. Then the priest shall offer the whole, and burn it upon the altar; it is a burnt-offering, an offering made by fire, of an odor pleasing to Jehovah.

From the flock

[14]If his gift[t] to Jehovah be a bird[u] as a burnt-offering, he shall bring as his offering a turtle-dove or a young pigeon.[v] [15]Then the priest shall bring it to the altar, and wring off its head, and burn it on the altar; its blood shall be drained out against the side of the altar; [16]and he shall take away its crop with the feathers, and cast it into the ash-pit[w] on the east side of the altar. [17]Then he shall cleave it at its wings, without wholly severing them; and the priest shall burn it on the altar

Birds

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[j] Lev. 1[3] Heb., *offer it a male.* So, in [10]. The law of Lev. 1 appears to come from the priestly directions and to have been adjusted to the groundwork.

[k] Lev. 1[5] Gk., *they shall kill;* so also in [11]. The Heb. may be rendered impersonally with the same meaning as the Gk., but the reading adopted accords with Arab. usage.

[l] Lev. 1[7] So Gk., Sam., and Syr. Heb., *priest.* It is possible that the priest alone figured in the original law and that *Aaron's sons* was added by a late editor.

[m] Lev. 1[8] So Gk., Sam., and Syr. Heb. omits, *together with.*

[n] Lev. 1[9] The Heb. has the transitive form. The Gk. and Sam. have the plural. The evidence for plural form is rather slight, and it seems unlikely that anyone but the priests should perform this service, so that the above rendering seems to be the original.

[o] Lev. 1[9] So Gk., Sam., and Syr. Heb. lacks, *it is.*

[p] Lev. 1[10] Lit., *of the sheep or of the goats.*

[q] Lev. 1[10] Gk. adds, *and he shall lay his hand on its head.*

[r] Lev. 1[12] Gk. and Syr. have the verb in plural.

[s] Lev. 1[12] Gk. *the priests.*

[t] Lev. 1[14-17] A later supplement, as the title in [2] implies.

[u] Lev. 1[14] Heb., *of birds.*

[v] Lev. 1[14] Heb., *of turtle-doves or of young pigeons.*

[w] Lev. 1[16] So Gk., Sam., and Vulg. The Heb. does not justify the translation, *filth*, as in RV. By a slight correction the above reading is restored.

Priestly Codes

on the wood that is upon the fire; it is a burnt-offering, an offering made by fire, of an odor pleasing to Jehovah.

Rules regarding the daily burnt-offering

Lev. 6 [8]Jehovah spoke thus to Moses, [9]Command Aaron and his sons as follows: 'This is the law concerning the burnt-offering: The burnt-offering shall remain on the hearth upon the altar all night until the morning; and the fire of the altar shall be kept burning by means of it. [10]The priest shall clothe himself in his linen garment,[x] and put on his linen breeches; and he shall take up the ashes to which the fire hath consumed the burnt-offering on the altar, and he shall put them beside the altar. [11]Then he shall take off his garments, and put on other garments, and carry the ashes out of the camp to a clean place. [12]The fire on the altar shall be kept burning by means of the burnt-offering, it shall not go out; the priest shall burn wood on it every morning; and he shall arrange the burnt-offering upon it, and shall burn on it the fat of the peace-offerings. [13]Fire shall be kept burning on the altar continually; it shall not go out.'

§ 198. Cereal-offerings, Ex. 34[25a] [23[18a]], Nu. 15[1-16], Lev. 2[1a, 2b-16] [6[19-23]]

Primitive Codes

With animal sacrifices

Ex. 34 [25a]Thou shalt not offer the blood of my sacrifice with leavened bread.

Priestly Code

To accompany every animal-offering

Nu. 15 [1]Jehovah gave this command to Moses, [2]Speak to the Israelites, and say to them, 'When ye come into the land of your dwellings, which I give you, [3]and wish to make an offering made by fire to Jehovah, a burnt-offering, or a sacrifice, as a votive-offering[a] or as a voluntary offering, or at your appointed seasons, to make an odor pleasing to Jehovah, from the herd or from the flock, [4]then he who bringeth his offering shall present to Jehovah a cereal-offering of a tenth of an ephah of fine meal mixed with the fourth of a hin of oil; [5]and as wine for the libation, the fourth of a hin shalt thou prepare with the burnt-offering or the sacrifice, for each lamb.[b] [6]Or for a ram, thou shalt prepare as a cereal-offering two-tenths of an ephah of fine meal mixed with a third of a hin of oil;[c] [7]for the libation thou shalt bring a third of a hin of wine, an odor pleasing to Jehovah. [8]When thou preparest a bullock as a burnt-offering or as a sacrifice in fulfillment of a vow, or offered as any other form of peace-offerings[d] to Jehovah, [9]thou shalt[e] offer with the bullock a

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[x] Lev. 6[10] Syr., *garments.*

§ 198 Among the Babylonians the most common offerings were grain, fruit, and other products of the soil. In the earlier days these forms of offerings were also very common among the Hebs.; but in the priestly codes the cereal-offerings are only the necessary accompaniments of the animal sacrifices. Possibly they are assigned to this secondary place in the sacrificial system because grain was regarded as a product of the Canaanitish agricultural civilization, while animal sacrifices came from the flock and herd, and, therefore, were the gifts originally presented to Jehovah by the nomadic ancestors of the Hebs.

[a] Nu. 15[3] Lit., *to fulfil a special vow.*
[b] Nu. 15[5] The Gk. adds, *thou shalt do this as an offering of pleasant odor to Jehovah*
[c] Nu. 15[6] Gk. adds, *when ye offer it for a burnt-offering or for a sacrifice.*
[d] Nu. 15[8] Lit., *for peace-offerings.*
[e] Nu. 15[9] Heb., *he shall.*

Priestly Code

cereal-offering of three-tenths of an ephah of fine meal mixed with half a hin of oil; [10]thou shalt offer as the libation half a hin of wine, as an offering made by fire, of an odor pleasing to Jehovah.[f]

Binding upon Israelites and resident alien alike

[11]So shall it be done for each bullock, or for each ram, or for each of the male lambs, or of the kids. [12]According to the number that ye shall prepare, so shall ye do in the case of every one according to their number. [13]All who are native born shall do these things in this way, in offering an offering made by fire, of an odor pleasing to Jehovah. [14]If an alien reside among you, or if any one else be among you throughout your generations, and wish to present an offering made by fire, of an odor pleasing to Jehovah; as ye do, so shall he do. [15a]There shall be but one statute for the assembly,[g] both for you and for the alien who resideth among you, a statute forever throughout your generations; ye and the resident alien shall both be alike before Jehovah. [16]There shall be one law and one regulation for you, and for the alien who resideth among you.'

Method of presentation

Lev. 2 [1a]If anyone presenteth a cereal-offering as a gift to Jehovah, the priest[h] shall take from it a handful of the fine meal and oil, with all the frankincense. [2b]Then as a memorial of it the priest shall burn it on the altar, an offering made by fire of an odor pleasing to Jehovah. [3]The remainder of the cereal-offering shall belong to Aaron and his sons; it is a thing most holy, being a part of the offerings made by fire to Jehovah.

Supplemental Priestly Codes

Additional directions

Lev. 2 [4]When thou bringest as a gift a cereal-offering baked in the oven, it shall be in the form of unleavened cakes of fine meal mixed with oil, or unleavened wafers smeared with oil. [5]If thy gift be a cereal-offering baked on a flat plate, it shall consist of fine meal unleavened, mixed with oil. [6]Thou shalt break it in pieces and pour oil on it; it is a cereal-offering. [7]If thy gift be a cereal-offering prepared in a sauce-pan, it shall be made of fine meal with oil. [8]Thou shalt bring the cereal-offering that is made in any of these ways[i] to Jehovah; it shall be presented to the priest, and he shall bring it to the altar. [9]Then the priest shall take up part of the cereal-offering as a memorial, and shall burn it on the altar, an offering made by fire, of an odor pleasing to Jehovah. [10]The remainder of the cereal-offering shall belong to Aaron and his sons, as a thing most holy, being a part of the offerings made by fire to Jehovah.

Accessories of the cereal-offerings

[11]No cereal-offering, which ye shall offer to Jehovah, shall be made with leaven; for ye shall offer[j] neither leaven nor honey as an offering made by fire to Jehovah. [12]As an offering of firstfruits ye shall bring them to Jehovah; but they shall not be burnt on the altar, to give forth a pleasant odor.[k]

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[f] Nu. 15[10] Most of this vs. is lacking in Gk.
[g] Nu. 15[15] Cf. § 22, note [e].
[h] Lev. 2[2] Heb., *he.* Cf. [9]. The rest of the vs. as far as *frankincense* is perhaps a gloss.
[i] Lev. 2[8] Or, *of these materials.*
[j] Lev. 2[11] So Gk., Sam., Syr., and Targ. Heb., *cause to ascend in smoke.*
[k] Lev. 2[12] Heb., *come up as a pleasant odor on the altar.*

Supplemental Priestly Codes

[13]Every cereal-offering which thou offerest[l] shalt thou season with salt, nor shalt thou suffer the salt which betokeneth the covenant[m] of thy God to be lacking from thy cereal-offering; with all thy offerings thou shalt offer salt. [14]If thou offer a cereal-offering of firstfruits to Jehovah, thou shalt bring, as the cereal-offering of thy firstfruits, young ears of grain roasted at the fire and crushed.[n] [15]Thou shalt pour oil on it, and lay frankincense on it; it is a cereal-offering. [16]Then as a memorial of it, the priest shall burn some of the crushed grain and some of the oil, together with all the frankincense; it is an offering made by fire to Jehovah.

§ 199. **Libations,** Gen. 28[18], 35[14], Nu. 15[3a, b, 4a, 5, 6a, 7, 10] [Lev. 23[13], Ex. 29[41, 42], Lev. 2, 6[19-23], Nu. 5[15], 6[15, 17]]

Primitive Codes

Early precedents

Gen. 28 [18]Jacob rose up early in the morning, and took the stone that he had put under his head, and set it up for a pillar, and poured oil upon the top of it.

35 [14]And Jacob set up at the place where God had spoken with him, a pillar of stone; and he poured a libation and oil upon it.

Priestly Codes

To accompany all animal sacrifices

Nu. 15 [3a, b]Whenever ye make an offering, by fire to Jehovah from the herd or flock, [4a]he who bringeth his offering to Jehovah shall offer [5]wine for the libation, a fourth of a hin shalt thou prepare with the burnt-offering or the sacrifice, for each lamb.[o] [6a]For a ram [7]thou shalt offer as a libation a third of a hin of wine, as an odor pleasing to Jehovah. [10]For a bullock thou shalt offer as the libation half a hin of wine, as an offering made by fire of an odor pleasing to Jehovah.

§ 200. **Showbread,** Ex. 25[30], Lev. 24[5-9]

Priestly Codes

Preparation and renewal

Ex. 25 [30]Thou shalt set showbread on the table before me continually.

Lev. 24 [5]Thou shalt take fine meal, and bake twelve cakes of it; two-tenths of an ephah shall be in each cake. [6]Thou shalt set them in two rows,

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[l] Lev. 2[13] Lit., *every offering of thy cereal-offering.*
[m] Lev. 2[13] Lit., *salt of the covenant.*
[n] Lev. 2[14] Or, *grits* (*i. e.*, crushed grain) *and fresh fruit.*

§ 199 The references in the early Ephraimite prophetic narratives to libations indicate that they also were early forms of offering. Like the cereal-offerings they were originally presented independently. The Mishna speaks of a votive or voluntary offering of wine, cf. *Mĕnāhōth*, 12, also of oil; but the priestly laws provide that the libation be used only with private gifts which include animal sacrifices.

[o] Nu. 15[5] Gk. adds, *thou shalt make this offering as a pleasant odor to Jehovah.*

§ 200 Loaves of bread were placed before the gods in ancient Babylonia and Egypt. The institution also goes back to the beginnings of Heb. history, as the reference in I Sam. 21[6] indicates. The later Jewish writings throw further light upon the post-exilic usage. The loaves were made of flour and water, without leaven and were shaped like a brick, seven fingers thick and ten handbreadths long and five wide. They were then piled on two trays, six loaves on each. When changed, care was taken that bread was always left on the table.

Priestly Codes

six in a row, on the table of pure[p] gold before Jehovah. [7]Thou shalt put pure frankincense on each row, that it may serve as a memorial of the bread, an offering made by fire to Jehovah. [8]Every sabbath day the priest shall arrange it before Jehovah regularly, on behalf of the Israelites in token of an everlasting covenant. [9]It shall belong to Aaron and his sons; and they shall eat it in a holy place, for it is the most holy to him of the offerings made by fire to Jehovah, an everlasting due.

§ 201. Sacred Lamps and Incense, Lev. 24[1-9] [27[20, 21], Lev. 10[1-7]], Ex. 30[7-9]

Priestly Codes

Care of the lamps

Lev. 24 [1]Jehovah spoke thus to Moses, [2]Command the Israelites, that they bring to thee pure oil of beaten olive for the light, that the lamps may be lighted[q] each day. [3]Outside the curtain of the testimony, in the tent of meeting, shall Aaron keep it in order from evening to morning before Jehovah continually; it shall be a statute forever throughout your generations. [4]He shall arrange the lamps on the lampstand of pure[r] gold before Jehovah each day.

Supplemental Priestly Codes

Daily incense

Ex. 30 [7]*On the altar of incense* Aaron shall burn incense of sweet spices; each morning, when he taketh care of the lamps, he shall burn it. [8]When Aaron lighteth[s] the lamps towards evening, he shall burn it as a perpetual incense before Jehovah throughout your generations. [9]Ye shall offer no strange incense on it, nor burnt-offering, nor cereal-offering, and ye shall pour no libation on it.

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[p] Lev. 24⁶ Heb., *pure table.*

§ 201 Incense appears to have been introduced at a late period into the Jewish ritual. There are no clear traces of it before the exile. Then it became a regular accompaniment of every private offering, except that of the poor man. It was also, like the sacred lamp, a regular element in the daily service of the temple. Lev. 10[1-7] contains a traditional precedent illustrating the divine judgment upon those who depart from the rules laid down for the incense offering. Lev. 27[20, 21] repeats the law of 24[1-4].

[q] Lev. 24² Or, *be set in their places;* lit., *to cause a lamp to ascend continually.*

[r] Lev. 24⁴ Lit., *pure lampstand.*

[s] Ex. 30⁸ Or, *setteth in their places;* lit., *causeth to ascend.*

II

THE DIFFERENT KINDS OF SACRIFICIAL OFFERINGS

§ 202. Peace-offerings, Lev. 22[21], 19[5-8], 3[1. 6-16], 7[11-14 (15-19)], 20, 21, 28-32

Holiness Code

From the herd

Lev. 22 [21]Whoever bringeth a sacrifice of peace-offerings to Jehovah as a votive-offering or as a voluntary offering, from the herd or the flock, it must be perfect to be accepted; there must be no blemish in it.

Rules for eating

Lev. 19 [5]When ye offer a sacrifice of peace-offerings to Jehovah, ye shall offer it so that ye may be accepted. [6]It shall be eaten the same day ye offer it or on the following day; and if any of it remain until the third day, it shall be burnt with fire. [7]If it be eaten on the third day, it is refuse; it shall not be accepted; [8]but every one who eateth it shall be held guilty,[a] because he hath profaned Jehovah's holy thing; that person shall be cut off from his people.

Priestly Codes

Lev. 3 [1]When a man's gift is a sacrifice of peace-offerings,[b] if he bring it from the herd, whether male or female, he shall offer one that is without blemish before Jehovah.[c]

Ritual if from the flock

[6]If his gift as a sacrifice of peace-offerings to Jehovah be from the flock, a male or a female, he shall offer it without a blemish. [7]If he bring a lamb

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Different Kinds of Sacrificial Offerings.—The present classification is based on the occasion or object of the different kinds of sacrificial offerings. No classification of the various types of sacrifice is entirely satisfactory because of their complexity. Some were used only by private individuals, others only for public sacrifices, and others were both public and private. Among the private sacrifices were the peace-offerings, the sin- and guilt-offerings, thank-offerings, special gifts, libations and incense. The public sacrifices included the daily holocausts and accompanying offerings, the showbread, incense, the offerings on the sabbath, feast days and special occasions, the yearly sin-offering, the scape goat, the red cow and the sacrificial sin-offerings at the consecration of priests or the altar. The public sacrifices consisted simply of burnt- and sin-offerings, with occasional peace-offerings.

§ 202 Peace-offerings were the most common kind of private sacrifices. They are mentioned frequently in the earlier O.T. writings, *e. g.*, Ex. 32[6], I Sam. 10[8], II Sam. 6[17. 18], 24[25], I Kgs. 3[15], 9[25]. The same kind of sacrifices were also known to the Phœnicians, cf. Appendix VIII. The exact meaning of the Heb. word is not known. It was probably inherited from the Canaanites. In the Gk. translation of the historical books and in the versions of Aquila, Symmachus and Theodotion it is derived from the verb meaning, *to be whole, safe*, and is connected with the corresponding noun, *peace;* hence the current translation, *peace-offerings*. The underlying conception seems to be that they were offerings intended to establish harmonious relations between the Deity and the individual offerer. The same kind of offerings (*shulmu*) are also frequently referred to in the Bab. texts, and many passages throw light upon the current ideas. The following extracts from ancient prayers are to the point: *Accept the gift he brings, receive his ransom money; let him walk before them on the ground of peace* (*shulme*) 4 R. 54[47] or, *May the man afflicted with fever be purified like shining metal by means of a gracious peace-offering*, K. 246.

Adoration, praise, thanksgiving, the desire for physical healing or forgiveness, all found expression in ancient times through the peace-offering. It is prayer expressed in the terms of the ritual. In keeping with this idea we find the peace-offerings sometimes especially designated as *voluntary offerings*, *votive-offerings*, and *thank-offerings*, to which the Rabbis added the *pilgrimage* or *festal sacrifices*, which were offered when the people resorted to the sanctuary at the annual feasts.

[a] Lev. 19[8] Lit., *shall bear [the consequences of] his iniquity.*

[b] Lev. 3[1] The laws in 3 and 7 were originally found in the collection of priestly directions, cf. Introd., p. 44.

[c] Lev. 3[1] Cf. § 196. The method of procedure in offering an animal from the herd was the same as with a lamb

Priestly Codes

as his offering, he shall present it before Jehovah; [8]he shall lay his hand on the head of his offering, and kill it before the tent of meeting, and Aaron's sons the priests shall dash the blood against the altar round about. [9]Then he shall present from the sacrifice of peace-offerings, as an offering made by fire to Jehovah, the fat of the lamb, the fat tail entire, which he shall remove close to the back-bone, and the fat that covereth the entrails, and all the fat that is about the entrails, [10]and the two kidneys, and the fat that is on them, near the loins, and the fatty mass next to the liver, which mass he shall remove as far as the kidneys.[d] [11]Then the priest shall burn it on the altar; it is the food given as an offering made by fire to Jehovah.

If offering is a goat

[12]If his gift be a goat, then he shall present it before Jehovah; [13]he shall lay his hand on its head and kill it before the tent of meeting; and Aaron's sons, the priests, shall dash the blood against the altar round about.[e] [14]Then he shall offer from it his gift, as an offering made by fire to Jehovah: the fat that covereth the entrails, and all the fat that is about the entrails, [15]and the two kidneys, and the fat that is on them, near the loins, and the fatty mass next to the liver, which mass he shall remove as far as the kidneys. [16]The priest shall burn them on the altar; it is the food given as an offering made by fire, of a pleasant odor;[f] all the fat belongeth to Jehovah.

Ritual if presented as a thank-offering

7 [11]This is the law concerning the sacrifice of peace-offerings which one may offer to Jehovah: [12]If he offer it as a thank-offering, he shall offer with the sacrifice of thanksgiving unleavened cakes mixed with oil, and unleavened wafers smeared with oil, and cakes mixed with oil, of fine meal well mixed; [13]with cakes of leavened bread in addition to the sacrifice of his peace-offerings which are given as a thank-offering, shall he present his gift. [14]And out of his offering he shall present one cake of each kind as a contribution[g] to Jehovah; it shall belong to the priest who dasheth the blood of the peace-offerings.

Penalty for eating when unclean

[20]A person who eateth of the meat of the sacrifice of peace-offerings, which belong to Jehovah, while he is unclean,[h] shall be cut off from his own people. [21]When any one toucheth any unclean thing, the uncleanness of man, or any unclean beast, or any unclean swarming creature,[i] and then eateth of the meat of the sacrifice of peace-offerings, which belong to Jehovah, that one shall be cut off from his own people.

Disposal of the offerings

[28]Jehovah gave this command to Moses, [29]Say to the Israelites, 'He who sacrificeth his peace-offerings to Jehovah shall bring his gift to Jehovah out of the peace-offerings[j] which he sacrificeth; [30]with his own hands he shall bring the offerings to be made by fire to Jehovah; the fat with the breast shall he bring, that the breast may be waved as a wave-offering before Je-

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[d] Lev. 3[10] Or, *with the kidneys.* So [15].
[e] Lev. 3[13] Cf. [5].
[f] Lev. 3[16] Gk. adds, *to Jehovah.* Possibly the next phrase is a marginal gloss, and the sentence should end with the words *as an odor pleasing to Jehovah.*
[g] Lev. 7[14] Lit., something *lifted up*, and so set apart, a contribution or a reserved portion.
[h] Lev. 7[20] Lit., *and his uncleanness is on him.*
[i] Lev. 7[21] So Syr., Sam., and Targ. Heb. and Gk., *detested thing.*
[j] Lev. 7[29-32] These vss. are from a later hand than the preceding.

Priestly Codes

hovah.[k] [31]The priest shall burn the fat on the altar, but the breast shall belong to Aaron and his sons. [32]And the right thigh shall ye give to the priest as a contribution out of the peace-offerings which ye sacrifice.

§203. Guilt-offerings, Lev. 19[20-22], 5[14-19], 6[1-7] [Nu. 5[5-8]], Lev. 7[1-7]

Holiness Code

A moral offence

Lev. 19 [20]If any man lieth carnally with a woman, who is a slave, betrothed to another man, but who hath in nowise been redeemed nor given her freedom, there shall be a judicial inquiry, but they shall not be put to death, because she was not free.

Priestly Codes

Its expiation

Lev. 19 [21]The man shall bring his guilt-offering to Jehovah, to the entrance of the tent of meeting, a ram as a guilt-offering; [22]and the priest shall make atonement for him with the ram of the guilt-offering before Jehovah for his sin which he hath committed; and the sin which he hath committed shall be forgiven him.

Of failure to meet the demands of the ritual

5 [14]Jehovah spoke thus to Moses: [15]If any one commit a treacherous act, and sin inadvertently with respect to the holy things of Jehovah,[l] he shall bring from the flock as his guilt-offering to Jehovah, a ram without blemish, according to thy valuation, by the shekel of the sanctuary, as a guilt-offering; [16]he shall also make restitution for his sin in connection with the holy thing, and shall add a fifth to the amount, and give it to the priest. Then the priest shall make atonement for him with the ram of the guilt-offering, and he shall be forgiven.

Expiation of any offence

[17]If any one sin,[m] by doing any of the things which Jehovah hath forbidden,[n] even without being aware of it, yet is he guilty and shall bear the consequences of his iniquity. [18]He shall bring to the priest a ram without blemish out of the flock, according to thy valuation,[o] as a guilt-offering Then the priest shall make atonement for him on account of the error which he hath inadvertently committed without being aware of it, and he shall be forgiven. [19]It is a guilt-offering for he is guilty before Jehovah.

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[k] Lev. 7[30] *I. e.*, swung toward the altar and back to symbolize the presentation of this portion of the offering to Jehovah, and his return of it to the priest. Later the term lost the original significance which seems to be found here.

§ 203 The guilt-offering appears to be a very ancient institution. According to I Sam. 6 the Philistines sent back a guilt-offering with the ark to avert the wrath of Jehovah, because they had desecrated his sacred palladium. The guilt-offerings in II Kgs. 12[16] are paid in money to the temple treasury. In the latter passage, as frequently, the guilt- and sin-offerings are closely associated. The laws do not make the distinction between the two entirely clear. The original object of the guilt-offering appears to have been to make restitution to anyone, whether man or God, for the infringement of his rights or for theft or injury to his property. The wrong might be done intentionally or unintentionally. In either case the offender must make reparation. If the offence was against the property or rights of another man, restitution was due not only to the man wronged but also to Jehovah, whose laws had been disobeyed.

[l] Lev. 5[15] *I. e.*, by keeping back gifts due to sanctuary and portions due to priests.

[m] Lev. 5[17-19] These vss. were taken from the priestly directions.

[n] Lev. 5[17] Lit., *commanded not to be done.*

[o] Lev. 5[18] *I. e.*, to be accepted, subject to Moses' estimation of its value, as sufficient.

Priestly Codes

Expiation for unfair dealing

6 [1]Jehovah spoke thus to Moses,[p] [2]If anyone sin, and break faith with Jehovah, by deceiving his neighbor in regard to a deposit, or a pledge, or by robbing or defrauding his neighbor, [3]or if he have found something which was lost, and deny it and perjure himself, [4]if by doing any one of these things a man hath sinned and so is guilty,[q] he shall restore that which he took by robbery, or the thing which he obtained by fraud, or the deposit which was entrusted to him, or the lost thing which he found, [5]or anything about which he swore falsely, he shall restore it in full, and shall add to it a fifth more; he shall give it to its rightful owner on the day that he is found guilty.[r] [6]He shall also bring to the priest his guilt-offering for Jehovah, a ram without blemish out of the flock, according to thy valuation, as a guilt-offering. [7]Then the priest shall make atonement for him before Jehovah, and he shall be forgiven for whatever he may have done to incur guilt.

Ritual of the guilt-offering

7 [1]This is the law concerning the guilt-offering: It is most holy; [2]in the place where they kill the burnt-offering shall they kill the guilt-offering, and the priest shall dash its blood against the altar round about. [3]He shall offer all of its fat: the fat tail, and the fat that covereth the entrails, [4]and the two kidneys, and the fat on them near the loins, and the fatty mass next to the liver, which mass he shall remove as far as the kidneys. [5]Then the priest shall burn them on the altar as an offering made by fire to Jehovah; it is a guilt-offering. [6]Any male among the priests may eat of it; it shall be eaten in a holy place; it is most holy. [7]The guilt-offering is like the sin-offering; there is one law for both; the priest who maketh atonement with it shall have it.

§ 204. Sin-offerings, Lev. 5[1-13], Nu. 15[22-31], Lev. 4[1-31] [32-35, 9[11]], 8[14, 15] [10[16-20]], 6[24-30]

Priestly Codes

Private offences requiring sin-offerings

Lev. 5 [1]If any one sin, when under oath as a witness, by failing to give information concerning what he hath seen or known, he shall bear the consequences of his iniquity. [2]Or if any one touch any unclean thing, either the carcass of an unclean beast, or the carcass of an unclean domestic animal, or

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[p] Lev. 6[1] Heb. 5[20].

[q] Lev. 6[4] Heb., *in any of all these things by doing which a man sinneth.*

[r] Lev. 6[5] Or, *when he bringeth his guilt-offering;* lit., *in the day of his guilt.*

§ 204 The designation *sin-offering* is misleading, for these regulations do not contemplate deliberate transgressions of the moral law, but rather provide, (1) for purification in cases of ceremonial uncleanness as for example, childbirth or contact with a dead body. The Mishna assumes that these offences were committed inadvertently. In the second place the sin-offerings anticipate certain ignorant or unintentional transgressions of the moral or ceremonial laws. They aimed to restore the individual thus defiled to his normal relations with Jehovah and the community.

While they are mentioned in II Kgs. 12[16], the sin-offerings do not appear to have been prominent in the early Heb. ritual. They reflect rather the influence of the exile and the growing emphasis on ceremonialism which characterizes later Judaism. In practice these laws must have powerfully impressed upon the minds of the people the necessity of conforming in every detail to the ritual; and, in turn, they doubtless presented a very definite and acceptable way of gaining the sense of divine approval. The later supplements provide that less expensive offerings may be presented by the poorer members of the community. The late law of Lev. 4 also prescribes the ritual to be observed for the cleansing of the community; Lev. 9 contains a traditional precedent, which belongs to the priestly groundwork.

Priestly Codes

the carcass of an unclean swarming creature,[s] and the fact be hidden from him, if later he become aware of it,[t] and so become guilty;[u] [3]or if he touch the uncleanness of man, whatever it be,[v] and the fact be hidden from him; if later he become aware of it, and so become guilty; [4]or if any one swear rashly with his lips whether to do evil or to do good, in any case[w] where a man uttereth a rash oath, and the fact be hidden from him; if later he become aware of it, and so become guilty in a case of this sort, [5]when he hath incurred guilt through any one of these causes, he shall confess the sin which he hath committed. [6]He shall bring to Jehovah as the penalty for the sin which he hath committed,[x] a female lamb or goat from the flock as a sin-offering, and the priest shall make atonement for him on account of his sin.

Poor man's offering

[7]If he cannot afford a lamb,[a] he shall bring to Jehovah as the penalty for the sin which he hath committed, two turtle-doves or two young pigeons, one as a sin-offering and the other as a burnt-offering. [8]He shall bring them to the priest, who shall offer that which is for the sin-offering first, and nip off its head at the neck, without wholly severing it. [9]He shall sprinkle some of the blood of the sin-offering against the side of the altar, and the rest of the blood shall be drained out at the base of the altar; it is a sin-offering. [10]Then he shall offer the second as a burnt-offering, according to the ordinance.[b] Thus the priest shall make atonement for him on account of the sin which he hath committed, and he shall be forgiven.

For those extremely poor

[11]But if he cannot afford two turtle-doves or two young pigeons, he shall bring as his offering for the sin which he hath committed, a tenth of an ephah of fine meal as a sin-offering, without pouring any oil on it, or laying any frankincense on it, for it is a sin-offering. [12]He shall bring it to the priest, and as a memorial the priest shall take a handful of it, and burn it on the altar, upon the offerings of Jehovah made by fire; it is a sin-offering. [13]Thus the priest shall make atonement for him on account of the sin which he hath committed through any of these causes, and he shall be forgiven; and the rest shall belong to the priest, just as in the case of the cereal-offering.

For offences of the community

Nu. 15 [22]When ye err, and fail to do any of these commands, which Jehovah hath spoken to Moses, [23]even all that Jehovah hath commanded you through Moses, from the day that Jehovah gave command, and onward through your generations, [24]then if the sin be committed inadvertently, without the knowledge of the congregation, all the congregation shall offer one young bullock as a burnt-offering, of an odor pleasing to Jehovah, together with the accompanying cereal-offering and libation, according to the ordinance, and one male goat as a sin-offering. [25]Then the priest shall make atonement for all the congregation of the Israelites, and they shall be forgiven; for it was an error, and they have brought their gift, an offering

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[s] Lev. 5[2] The Gk. omits the remainder of this vs. It is probably a gloss.
[t] Lev. 5[2] Heb., *and he is unclean.* But cf. [3b, 4b].
[u] Lev. 5[2] Or, *when he becomes aware of it he shall be guilty.* So [3, 4].
[v] Lev. 5[3] Lit., *his uncleanness with which he is unclean.*
[w] Lev. 5[4] *I. e.*, any sort of rash oath.
[x] Lev. 5[6] So [7]; elsewhere translated, *guilt-offering.*
[a] Lev. 5[9] Lit., *if his hand do not reach enough for a lamb.*
[b] Lev. 5[10] *I. e.*, the manner prescribed in 1[19 ff].

Priestly Codes

made by fire to Jehovah, and their sin-offering before Jehovah, for their error. [26]Thus all the congregation of the Israelites shall be forgiven and the alien who resideth among them, for all the people are answerable for what is done inadvertently.[c]

Same law for native born and resident alien

[27]If a person sin inadvertently, he shall offer a female goat a year old as a sin-offering. [28]The priest shall make atonement before Jehovah for the person who erreth, when he sinneth inadvertently, to atone for him, and he shall be forgiven.[d] [29]Ye shall have one law for him who sinneth[e] inadvertently both for him who is native born among the Israelites and for the alien who resideth among them. [30]But the person who sinneth presumptuously,[f] whether he be native born or a resident alien, the same blasphemeth Jehovah; that person shall be cut off from among his people. [31]Because he hath despised the word of Jehovah and hath broken his command, that person shall be utterly cut off; he shall bear his punishment.

Supplemental Priestly Codes

Sin-offering for a high priest

Lev. 4 [1]Jehovah gave this command to Moses: [2]Speak thus to the Israelites, 'When any one sins inadvertently, by doing any one of the things which Jehovah hath forbidden,[g] [3]if it be the anointed priest who hath sinned, so as to bring guilt on the people, he shall offer to Jehovah for the sin which he hath committed, a young bullock without blemish as a sin-offering. [4]He shall bring the bullock to the entrance of the tent of meeting before Jehovah, and shall lay his hand on the head of the bullock, and kill the bullock before Jehovah. [5]Then the anointed priest shall take some of the blood of the bullock, and bring it into the tent of meeting; [6]and the priest shall dip his finger in the blood, and sprinkle some of the blood seven times before Jehovah, before the curtain of the sanctuary. [7]The priest shall put some of the blood on the horns of the altar of sweet incense, which is before Jehovah in the tent of meeting. [8]All the fat of the bullock of the sin-offering he shall take away from it: the fat that covereth the entrails,[h] and all the fat that is about the entrails, [9]and the two kidneys, and the fat that is on them, near the loins, and the fatty mass next to the liver, which mass he shall remove as far as the kidneys, [10]as it is taken away from the ox in sacrificing peace-offerings; and the priest shall burn[i] them on the altar of burnt-offering. [11]The hide of the bullock, and all its flesh, with its head, and its legs, and its entrails with their contents, [12]even the whole bullock shall be carried[j] forth outside the camp to a clean place, where the ashes are thrown out, and he shall burn it on wood with fire; where the ashes are thrown out shall it be burnt.

[13]And if the whole congregation of Israel err inadvertently, and their error

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[c] Nu. 15[26] Lit., *for to all the people [belongeth what was committed] in error.*
[d] Nu. 15[28] The Gk. omits the last clause.
[e] Nu. 15[29] Heb., *doeth.*
[f] Nu. 15[30] Lit., *doeth with a high hand.*
[g] Lev. 4[2] Lit., *commanded not to be done.* So [22, 27].
[h] Lev. 4[8] The remainder of [8] and [9] is possibly a gloss.
[i] Lev. 4[10] Heb., *cause them to ascend in smoke.*
[j] Lev. 4[12] Heb., *shall he carry.*

Supplemental Priestly Codes

For the community

be hid from the eyes of the assembly, and if they have done any of the things which Jehovah hath forbidden and so become guilty, [14]when the sin which they have committed is known, the assembly shall offer a young bullock as a sin-offering, and bring it before the tent of meeting. [15]And the elders of the congregation shall lay their hands on the head of the bullock before Jehovah, and one of them shall kill the bullock before Jehovah. [16]And the anointed priest shall bring some of the blood of the bullock to the tent of meeting, [17]and the priest shall dip his finger in the blood and sprinkle it seven times before Jehovah, before the veil. [18]And he shall put some of the blood on the horns of the altar which is before Jehovah, in the tent of meeting; but all the rest of the blood he shall pour out at the base of the altar of burnt-offering, which is at the entrance of the tent of meeting. [19]And all the fat of the bullock he shall separate from it, and burn it upon the altar. [20]Thus shall he do with the bullock; as he did with the bullock of the sin-offering, so shall he do with this; and the priest shall make atonement for them, and they shall be forgiven. [21]And the bullock shall be carried out of the camp and burnt, as the first bullock was burnt; it is a sin-offering for the assembly.

For a ruler

[22]When a ruler sinneth, and is guilty of doing any one of the things which Jehovah his God hath forbidden and so is guilty, [23]if his sin, which he hath committed, be made known to him, he shall bring for his gift a male goat without blemish. [24]And he shall lay his hand on the head of the goat, and kill it in the place where they kill the burnt-offering before Jehovah: it is a sin-offering. [25]And the priest shall take some of the blood of the sin-offering with his finger and put it on the horns of the altar of burnt-offering, and the rest of the blood he shall pour out at the base of the altar of burnt-offering; [26]and all the fat shall he burn on the altar, as the fat of the sacrifice of peace-offerings. Thus the priest shall make atonement for him on account of his sin, and he shall be forgiven.

For a private individual

[27]If any one of the common people[k] sin inadvertently, by doing any of the things which Jehovah hath forbidden, and so become guilty, [28]and later his sin, which he hath committed, be made known to him, he shall bring as his offering a goat, a female without blemish, for his sin which he hath committed. [29]He shall lay his hand on the head of the sin-offering, and kill the sin-offering at the place where the burnt-offering is killed. [30]Then the priest shall take some of the blood with his finger, and put it on the horns of the altar of burnt-offering, and all the rest of the blood shall he pour out at the base of the altar. [31]And all the fat shall he take away, as the fat is taken away from the sacrifice of peace-offerings; the priest shall burn it on the altar as an odor pleasing to Jehovah. Thus the priest shall make atonement for him, and he shall be forgiven.'[l]

For the purifying of the altar

Lev. 8 [14]Then the bullock of the sin-offering was brought, and Aaron and his sons laid their hands on the head of the bullock of the sin-offering; [15]and Moses slew it, and took the blood, and put it on the horns of the altar

[k] Lev. 4[27] Heb., *people of the land.*
[l] Lev. 4[31] The law in [32-35] gives the same directions in case the sacrificial victim is a lamb.

Supplemental Priestly Codes

round about with his finger, and so purified the altar from sin, and poured out the rest of the blood at the base of the altar and so consecrated it, making atonement for it.

Priestly Codes

Lev. 6 [24]Jehovah said to Moses: Speak to Aaron and to his sons, and say to them, 'This is the law of the sin-offering: In the place where the burnt-offering is killed shall the sin-offering be killed before Jehovah; it is most holy. [26]The priest who offers it for sin shall eat it; in a holy place shall it be eaten, in the court of the tent of meeting. [27]Whoever toucheth the flesh of it shall become holy; and if any of the blood of it shall be sprinkled on a garment, thou shalt wash the garment thus sprinkled in a holy place. [28]And every earthen vessel in which the flesh hath been boiled shall be broken; and if it be boiled in a bronze vessel, this shall be scoured, and rinsed with water. [29]Any male among the priests may eat of it; it is most holy.[m] [30]And no sin-offering, of which any of the blood is brought into the tent of meeting to make atonement in the holy place, shall be eaten; it shall be burnt with fire.'[n] Disposal of the sin-offering

§ 205. The Yearly Sin-offering, Nu. 16[29-34a [1-28]]

Priestly Codes

Nu. 16 [29]It shall be an everlasting statute for you: On the tenth day of the seventh month, ye shall afflict yourselves, and shall do no work at all, whether it be the native born or the alien who resideth among you; [30]for on this day shall atonement be made for you, to cleanse you; ye shall be cleansed from all your sins before Jehovah. [31]It is a sabbath of complete rest for you, and ye shall afflict yourselves; it is a statute forever. [32]And the high priest who shall be anointed and installed as priest in his father's place shall make the atonement, and shall put on the holy linen garments; [33]and he shall make atonement for the holy sanctuary; and he shall make atonement for the tent of meeting, and for the altar; and he shall make atonement for the priests, and for all the people of the assembly. [34a]And this shall be an everlasting statute for you, that atonement be made for the Israelites because of all their sins once every year. Ritual of cleansing for people and sanctuary

§ 206. The Red Cow, Nu. 19[1-13 [14-22, 31[21-24]]]

Supplemental Priestly Codes

Nu. 19 [1]Jehovah spoke thus to Moses and Aaron: [2]This is the statute of the law which Jehovah hath commanded, 'Speak[o] to the Israelites, that Preparation of the water of cleansing

[m] Lev. 6[24-29] The basis of this law is the earlier priestly directions.
[n] Lev. 6[30] This vs. is an awkward addition to the preceding law.

§ 205 For the detailed ceremony to be observed on the great day of of atonement, cf. § 221.

§ 206 This rite, like the kindred one in Dt. 21[1-5], § 181, is evidently very old. In both cases the rôle of the priest is unimportant. He has evidently been introduced by the later lawgivers to give a deeper religious significance to the institution. Originally private individuals probably attended to all the details. The belief that a corpse brought ceremonial defilement to all with which it came in contact was widely held by primitive peoples, cf. § 181. Hos. 9[4], as well as the law of Dt. 21[1-5], indicates that the early Hebrews shared it. In the

[o] Nu. 19[2] Heb., *speak thou;* Moses alone is addressed and Aaron is disregarded. The plural subject is resumed in [3], but the Gk. has the singular.

Supplemental Priestly Codes

they bring thee a red cow,[p] faultless in which there is no blemish, and upon which a yoke hath never come. [3]And ye shall give her to Eleazar[q] the priest, and she shall be taken outside the camp and be slain before him; [4]and Eleazar the priest shall take some of her blood with his finger, and sprinkle it toward the front of the tent of meeting seven times. [5]Then the cow shall be burnt in his sight; her hide and her flesh, and her blood,[r] with her dung, shall he burn. [6]And the priest shall take cedar wood, hyssop,[s] and scarlet thread, and cast them into the midst of the burning carcass of the cow. [7]Then the priest shall wash his clothes and bathe his flesh in water, and afterwards he shall come into the camp, and the priest shall be unclean until evening. [8]And he that burneth her shall wash his clothes and bathe his flesh in water, and shall be unclean until evening. [9]And a man ceremonially clean shall collect the ashes of the cow and lay them up without the camp in a clean place; and it shall be kept for the congregation of the Israelites as a water for the removal of impurity; it is a means of removing sin. [10]And he who collecteth the ashes of the cow shall wash his clothes, and be unclean until the evening; and it shall be for the Israelites and the alien who resideth among them, a statute forever.

Its use [11]He that toucheth the dead, even any human corpse, shall be unclean seven days; [12]that one must purify himself therewith on the third day and on the seventh day, and so become clean; but if he do not purify himself the third day and on the seventh, he will not become clean. [13]Every one who toucheth a dead person, the corpse of any man who may have died, and doth not purify himself, defileth the dwelling of Jehovah. That person shall be cut off from Israel; because the water for impurity was not thrown over[t] him, he shall be unclean; his uncleanness is yet upon him.

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older and yet in many respects parallel regulation of Dt. 21, moral as well as ceremonial guilt is assumed; but in both cases a young cow (in Dt., *heifer*), which has done no work nor borne the yoke, is sacrificed. While the institution is evidently very old and may well come from an age when it was thought necessary to sacrifice to the spirit of the dead lest he take vengeance upon the living (cf. Bewer in *JBL* XXIV., 1 pp. 41-44), the law in Nu. 19[1-13] reveals the marks of late priestly adaptation. Its object is purely ceremonial cleansing. The sacrifice takes the form of a whole burnt-offering. Cedar wood, hyssop and scarlet thread, used in the cleansing of lepers, Lev. 14, are added to the mixture. These may be simply symbolic, or may represent primitive survivals or later importations.

The closest parallel to the rite as a whole is the Roman custom of using the ashes of calves in lustration, Ovid, *Fast.* IV. 639, 725, 733. Cows' urine was also frequently employed in India for ceremonial purification, cf. Gray, *Numbers*, 246, 247. Red oxen were required for certain sacrifices by the Egyptians. It seems clear that in this law several primitive *motifs* have been combined and adapted by the priestly lawgivers to the higher religious ends. The exact meaning of all the symbolism is not certain. The final product, *the water for the removal of impurity*, contained and therefore represented sacrificial blood and flesh and the whole burnt-offering, as well as medicating herbs, and therefore symbolized the methods of ceremonial purification in vogue in later priestly codes. Aside from the subsequent detailed directions, [14-22], regarding the use of the water of purification in the case of contact with a corpse, cf. § 181, and in the late law regarding the purification of the spoils of war, Nu. 31[23], § 184, there is no reference to this rite in the O.T. Hence if ancient, it was only at a later period inserted in the Pentateuch.

[p] Nu. 19[2] Not necessarily a heifer, as the current translations assume without any support in the Heb.

[q] Nu. 19[3] Eleazar, not Aaron, is appointed to this task, for it involves ceremonial pollution.

[r] Nu. 19[5] This is the only case in the O.T. law when the blood was burnt; the reason is because the ashes were later used for purification, or else it is a survival from a primitive age when the blood as well as the flesh was consumed in the burnt-offering.

[s] Nu. 19[6] *Hyssop* is but a late conjecture of the Talmudists. From I Kgs. 4[33] it may be inferred that it was a climbing plant.

[t] Nu. 19[13] The verb means to throw in copious quantities.

§ 207. Leprosy Offering, Lev. 14[2-7, 10 [11-20], 21-23 [24-32, 48-52]]

Priestly Codes

Lev. 14 [2]This shall be the law of the leper in the day when he is cleansed: he shall be brought to the priest; [3]and the priest shall go out of the camp; and the priest shall look, and if the mark of leprosy be healed in the leper, [4]the priest shall command to take for him who is to be cleansed two living clean birds, cedar wood, scarlet, and hyssop; [5]and the priest shall command to kill one of the birds in an earthen vessel over running water. [6]He shall then take the living bird, the cedar wood, the scarlet and the hyssop, and shall dip them and the living bird in the blood of the bird that was killed over the running water; [7]and he shall sprinkle the blood seven times upon him who is to be cleansed from the leprosy, and shall pronounce him clean; then he shall set free the living bird in the open field. [10]And on the eighth day the cleansed leper shall take two male lambs without blemish, and one female lamb a year old without blemish, and as a cereal-offering, three-tenths of an ephah of fine meal mixed with oil, and one log of oil. Ritual of cleansing

[21]And if the cleansed leper be poor, and his means are not sufficient for this, he shall take one male lamb as a guilt-offering to be waved, to make atonement for him, and one-tenth of an ephah of fine meal mixed with oil as a cereal-offering, and a log[u] of oil, [22]and two turtle-doves or two young pigeons, as his means permit; and the one shall be a sin-offering and the other a burnt-offering. [23]And on the eighth day he shall bring them for his cleansing to the priest, at the entrance of the tent of meeting, before Jehovah.[v] Poor man's offering

§ 208. Jealousy Offering, Nu. 5[12b, 13a, c, 15, 18, 21, 23, 24, 26a, 27b, 31]

Priestly Codes

Nu. 5 [12b]If a man's wife turn aside and is unfaithful to him, [13a,c]and a man enter into illicit relations with her and it be hid from her husband, and there be no witness against her and she be not caught in the act, [15]then the man shall take his wife to the priest, and shall bring an offering for her, the tenth of an ephah of barley meal; he shall pour no oil upon it nor put frankincense on it for it is a cereal-offering of jealousy, a memorial cereal-offering, bringing iniquity to remembrance. Form of the offering

[18]Then the priest shall place the woman before Jehovah, and loosen the hair of her head, and put in her hands the memorial cereal-offering, which is the cereal-offering of jealousy, and the priest shall hold in his hand the water of bitterness which causeth the curse. [21]Then the priest shall make the woman swear with the oath of execration, and the priest shall say to the woman, Jehovah make you an execration and an oath among thy people, when Jehovah causeth your thigh to fall away, and your body to swell. Administration of the oath

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§ 204 For the full details regarding the presentation of the different leprosy offerings, cf. § 179.

[u] Lev. 14[21] According to the Rabbis a little less than a pint.

[v] Lev. 14[21-23] Possibly this provision for the poor man's offering is a later addition.

§ 208 For the origin and analysis of the law cf. note § 70.

Priestly Codes

Water of bitterness

[23]Then the priest shall write these execrations in a book, and he shall wipe them off into the water of bitterness, [24]and he shall make the woman drink the water of bitterness that causeth the curse, so that the water that causeth the curse may enter into her and become bitter. [26a]The priest shall also take a handful of the cereal-offering, as its memorial-offering, and burn it upon the altar. [27b]Thus the woman shall become an execration among her people. [31]The man shall be free from guilt, but the woman must bear her own guilt.

§ 209. The Daily Sacrifice, Ex. 29[38-42] [Nu. 28[1-8]], Ex. 30[7, 8]

Supplemental Priestly Codes

Morning offering

Ex. 29 [38]Now this is what thou shalt offer upon the altar: two yearling lambs regularly each day. [39]One lamb thou shalt offer in the morning, and the other lamb thou shalt offer towards evening; [40]and with the one lamb a tenth of an ephah of fine meal mixed with the fourth of a hin of beaten oil, and the fourth of a hin of wine as a libation.

Evening offering

[41]The other lamb thou shalt offer towards evening, and shalt deal with it as with the cereal-offering of the morning and its libation, as a pleasant odor, an offering made by fire to Jehovah. [42]It shall be a regular burnt-offering throughout your generations at the entrance of the tent of meeting before Jehovah, where I will meet with thee,[w] to speak there to thee.[x]

Incense and lamps

Ex. 30 [7]On the altar of incense Aaron shall burn incense of sweet spices; each morning, when he taketh care of the lamps, he shall burn it. [8]When Aaron lighteth the lamps towards evening, he shall burn it as a perpetual incense before Jehovah throughout your generations.

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§ 209 Neh. 10[23] seems to imply that in the days of Ezra and Nehemiah but one animal was offered daily. Before the exile the daily offering consisted of a burnt-offering in the morning and a cereal-offering in the evening, II Kgs. 16[15]. Ezek. assigns both of these offerings to the morning. The Chronicler, however, speaks of two burnt-offerings, I Chr. 16[40], II Chr. 13[11], 31[3]. It would appear that the double offering was introduced some time after 400 B.C. and that these laws, therefore, belong to the latest supplements to the priestly codes.

[w] Ex. 29[42] So Gk., Syr., and Sam. Heb., *you*.

[x] Ex. 29[42] Gk., *reveal myself to you*.

I

The Pre-Exilic Sacred Calendar

§210. The Sabbath, Ex. 34²¹, 23¹² [20⁸⁻¹¹], Dt. 5¹²⁻¹⁵

Primitive Codes

Ex. 34 ²¹Six days shalt thou work, but on the seventh day thou shalt rest; in plowing time and in harvest thou shalt rest. Seventh day of rest

The Pre-Exilic Sacred Calendar.—The external religious life of most peoples of antiquity centred about certain great festivals. This fact is especially true of the Semitic nations. In the earliest days the festivals were supremely significant, since they represented the united worship of the family or tribe or nation. Through them the bond between the different members of the community was strengthened by social intercourse and common feasting, merrymaking and worship. The joyous element was also very prominent. *To rejoice before Jehovah*, is the ordinary idiom used in Dt. to describe a feast. Songs, music, dancing, drinking and processions probably all entered into the great sacrificial meals, cf. Am. 2⁸, 5²¹, Judg. 21¹⁹. Is. 28⁷· ⁸, I Sam. 1¹⁴. At these times, also, the covenant between Jehovah and his people was renewed, as the men and women brought up their gifts as tribute to their Divine King.

In the early period there were three great annual festivals. The oft-reiterated command, *Three times in the year shall all thy males appear before the Lord Jehovah, the God of Israel*, belongs to the oldest decalogues. It voices one of the fundamental requirements of Israel's primitive faith. In addition to the early festivals, the new moon and the sabbath apparently also date from Israel's earliest historical period. The moon, called by the Hebrews *the wanderer*, not only fixed by its different phases the calendar, but also seems to have occupied a central place in the religion of the primitive ancestors of the Israelites. At Ur and Haran, whence the Heb. traditions trace the origin of their ancestors, Sin, the moon god, was the chief deity. Even the sacred Mount Sinai bears the name of the moon god. Job 31²⁶ refers to the worship of the moon; cf. also Ezek. 8¹⁴ and Is. 3¹⁸. The new moon festival is frequently mentioned in the earliest O.T. books, and was clearly one of the oldest of Israel's institutions; it was, in fact, shared with all primitive Semitic peoples. According to I Sam. 20⁶·⁶· ²⁷· ³⁴ it was celebrated by the clan with sacrificial offerings. II Kgs. 4²³ indicates that it was also made the occasion for visits to the prophets. Am. 8⁵, Is. 1¹⁴ and Hos. 2¹¹ classify it with the sabbath and suggest that it was an occasion of merrymaking and cessation from labor. Its omission in the pre-exilic laws is probably because the lawgivers were unwilling to countenance its rites and associations. Throughout all the pre-exilic laws the divinely inspired prophetic endeavor to eliminate the older heathen customs and ideas associated with the ancient festivals and to introduce nobler usages and to give them a more ethical and spiritual content is prominently in evidence.

§ 210 It is very probable that originally the sabbath was connected with the four phases of the moon and that, like the feast of the new moon, its background is the primitive moon worship, suggested by many of Israel's earliest institutions. Whether the derivation of the Heb. word sabbath be traced to the Assyrian, *shabatu*, to *cease, be completed*, or the Arabic root meaning to *cut off, interrupt*, it suggests the changing phases of the moon. The division of the month into weeks in accordance with the four quarters of the moon was known in many parts of the ancient world. Thus the Hindus had such a division, with special sacrifices at the new and full moon, cf. Ps. 81³. In this connection it is interesting to note that when the dates of the Israelitish feasts were definitely fixed the days selected were the full moons. The moon itself also establishes the unit seven, for seven days after the first appearance of the new moon it is half full, and on the fourteenth it is full. The arbitrary fixing of the sabbath at the end of every six days, irrespective of the lunar month, appears to have resulted from the strong tendency already observed in the pre-exilic lawgivers to break away from all traditions connected with primitive moon worship.

The week among the Egyptians contained ten days, and there are no clear indications of the division of the month into weeks among the Babylonians. The forbidding of certain acts as unlucky on the 7th, 14th, 19th, 21st and 28th of the intercalary month Elul perhaps suggests, but certainly does not prove the existence of an institution in Babylonia similar to the Heb. sabbath. Furthermore at the time when the Jews came into closest contact with the Babylonians, the priestly lawgivers emphasized sabbath observance most strongly as a distinctively Israelitish institution. More probably it was inherited from the agricultural Canaanites. Ultimately the origin of the sabbath is to be traced back to those nomadic ancestors of the Hebrews and the Canaanites, who paid chief homage to the moon, whose benign light guided them in their night journeys over the plains of Northern Arabia. Originally, like the new moon, it was doubtless observed as a festival. As a natural sequel came that remission of labor which accompanied every ancient feast, cf. Strabo, 3⁹. In the hands of Israel's prophetic lawgivers the element of rest was given the first place, and that of worship was made secondary, probably because of its heathen associations. Cf. for its later history, note § 217.

Primitive Codes

23 [12]Six days shalt thou do thy work, but on the seventh thou shalt rest, that thine ox and thine ass may have rest, and that the son of thy female slave, and the resident alien may be refreshed.

Deuteronomic Codes

Rest for man and beast

Dt. 5 [12]Observe the sabbath day, to keep it holy, as Jehovah thy God commanded thee. [13]Six days shalt thou labor and do all thy work, [14]but the seventh day is a sabbath to Jehovah thy God; in it thou shalt do no work, thou, nor thy son, nor thy daughter, nor thy male or female slave, nor thine ox, nor thine ass, nor any of thy cattle, nor the alien who resideth within thy city, that thy male and female slave may rest as well as thou. [15]Thou shalt also remember that thou wast a slave in the land of Egypt, and Jehovah thy God brought thee out from there by a mighty hand and an outstretched arm; therefore Jehovah thy God commanded thee to keep the sabbath.

§ 211. The Passover, Ex. 34[25b], 23[18b], 12[21-23, 25-27a], Dt. 16[1, 2, 4b-7]

Primitive Codes

Disposal of the paschal lamb

Ex. 34 [25b]The sacrifice of the feast of the passover shall not be left until the morning.

23 [18b]The fat of my feasts shall not remain all night until the morning.

Traditional origin of passover

12 [21]Then Moses summoned all the elders of Israel and said to them, Draw out and take lambs from the herds for your families and kill the passover.[a] [22]And ye shall take a bunch of hyssop, and dip it in the blood that is in the basin, and strike the lintel and the two side posts with

§ 211 As in the case of the modern Christmas festival, the passover in its ultimate form represents the fusion of several distinct and fundamentally different elements. At its basis probably lies the very ancient and widespread Semitic custom of sprinkling the poles of the tent with the blood of a sheep on special occasions in order to protect the occupants from pestilence and calamity. In time perhaps this became an established institution, and, possibly by the nomadic ancestors of the Hebrews, was associated with the annual spring festival at the beginning of summer. This spring festival was the occasion when all the members of the clan came together to re-establish the bond with the tribal god. It was characterized by the slaughter of a lamb amidst feasting and rejoicing, cf. Barton, *Semitic Origins*, pp. 110, 111. Ex. 10[9] implies that it was already a fixed institution among the Hebrews in Egypt. The command in Dt. to celebrate it in the evening and not leave any flesh until the morning also suggests that it was originally a lunar feast, coming from a period when the ancestors of the Hebrews were moon worshippers.

When the Hebrews entered Canaan they found among the Canaanites the corresponding agricultural spring festival. In adopting the native civilization and rites, it was natural that they should combine the two. For the Canaanite feast cf. § 212. Possibly following the example of the Canaanites, the Hebrews added to the passover feast the custom of bringing to the sanctuaries the first-born of their herd. In time the original content of the feast was forgotten and Israel's religious teachers improved the opportunity to give to the Semitic spring festival, with its blended nomadic and agricultural elements, a truly national and religious meaning by associating it with the great deliverance from Egypt. This nobler interpretation is first clearly formulated in the Deuteronomic codes. In connecting it thus with a definite event in Israel's history, the prophetic lawgivers concretely emphasized the dominant note of thanksgiving which appears to have characterized the feast from its earliest beginnings. For the later modifications, cf. § 218.

[a] Ex. 12[21-27] The account of the deliverance from Egypt in Ex. 12[21-23], with the exception of a few obvious editorial additions, appears to come from the early Judean prophetic narratives, cf. Vol. I, note § 71. Vss. [25-27a], which trace the origin of the passover to the deliverance from Egypt, have the striking literary characteristics and ideas of the Deuteronomic school of writers, cf. it with Ex. 13[3] and Dt. 6[10], 16[1, 4a-7].

Primitive Codes

the blood that is in the basin; but none of you shall go out of the door of his house until morning. [23]For Jehovah will pass through to smite the Egyptians; and when he seeth the blood upon the lintel and on the two side posts, Jehovah will pass over the door and will not suffer the Destroyer to come into your houses to smite you.

Deuteronomic Codes

Ex. 12 [25]When ye come to the land which Jehovah will give you, as he hath promised, ye shall observe this service. [26]And when your children shall say to you, What mean ye by this service? [27a]ye shall say, 'It is the passover sacrifice to Jehovah who passed over the homes of the Israelites in Egypt, when he smote the Egyptians and delivered our houses.'

Dt. 16 [1]Observe the month Abib,[b] and keep[c] the passover to Jehovah thy God; for in the month Abib Jehovah thy God brought thee forth from Egypt by night.[d] [2]And thou shalt sacrifice the passover to Jehovah thy God, both sheep and oxen, at the place where Jehovah shall choose to have his name dwell.[e] Time and place

[4b]None of the flesh which thou sacrificest the first day at evening shall remain throughout the night until the morning. [5]Thou mayest not sacrifice the passover within any of thy cities, which Jehovah thy God giveth thee; [6]but at the place where Jehovah thy God shall choose to have his name dwell, there thou shalt sacrifice the passover in the evening as the sun goeth down, at the fixed time[f] when thou camest forth from Egypt. [7]And thou shalt cook[g] and eat it in the place which Jehovah thy God shall choose; then thou shalt return home[h] in the morning. Method of observing

§ 212. **Feast of Unleavened Bread,** Ex. 34$^{17, 18}$ [23$^{14, 15, 17}$], 13$^{3-10}$, Dt. 16$^{3, 4a, 8}$

Primitive Codes

Ex. 34 [17]Three times in the year shall all thy males appear before the Lord Jehovah. [18]The feast of unleavened bread shalt thou keep. Seven To continue a week

[b] Dt. 16[1] The month Abib means the month of *fresh* or *young ears*. It is the ancient Heb. name for the month which corresponds to the Nisan (March-April), when the grain in Palestine was just beginning to put forth the green heads.

[c] Dt. 16[1] Lit., *make*.

[d] Dt. 16[1] Cf. Ex. 12[31].

[e] Dt. 16[2] For the prohibition against eating leavened bread, cf. the next section.

[f] Dt. 16[6] *I. e.*, the same time in the day.

[g] Dt. 16[7] Lit., *boil*. In Ex. 12[9] the priestly writers prohibit boiling the paschal lamb in water.

[h] Dt. 16[7] Lit., *turn to go to thy tents*.

§ 212 The command to appear three times before Jehovah implies that, if the feast of unleavened bread was known to the earliest Heb. lawgivers, it had already been brought into close conjunction with the passover, as it is in the later Deuteronomic and priestly codes. Such a fusion was in time natural, for both apparently represent the primitive Semitic spring festival, the one, as it was observed by the agricultural Canaanites, and the other by the nomadic ancestors of the Hebrews. Having fused the two feasts, the Deuteronomic lawgivers naturally connect both with the deliverance from Egypt and call the unleavened bread the bread of affliction. Among the earlier agricultural inhabitants of Canaan it was evidently the first of the three great harvest festivals—the time when the sickle was put to the standing grain and the people brought to the Deity the first sheaf of grain, cf. Lev. 23[9]; possibly also cakes of unleavened bread and a sacrificial offering. It would appear that during this busy first week of harvest the people had no time or desire to await the slow working of the leaven, but gladly ate the bread made quickly from the unleavened dough. Cf. for other parallels. Gen. 18[6] 19[3] and Josh. 5[11]. Naturally in turn this custom grew into a fixed institution.

Primitive Codes

days thou shalt eat unleavened bread, as I commanded thee, at the time appointed in the month Abib; for in the month Abib thou camest forth from Egypt.

Deuteronomic Codes

Ex. 13 [3]And Moses said to the people,[i] Remember this day, in which ye came forth from Egypt out of the house of bondage: for by a strong hand[j] Jehovah brought you out from that place; therefore shall no leavened bread be eaten. [4]This day ye go forth in the month Abib. [5]And when Jehovah shall bring thee into the land of the Canaanites, and the Hittites, and the Amorites, and the Hivites, and the Jebusites, which he promised by oath to thy fathers to give thee, a land abounding in milk and honey, thou shalt keep this service in this month. [6]Seven days thou shalt eat unleavened bread, and on the seventh day shall be the feast to Jehovah.

Its historical significance

[7]Unleavened bread shall be eaten throughout the seven days; there shall no leaven be seen with thee, nor shall leaven be seen with thee in all thy territory. [8]And thou shalt tell thy son in that day, It is because of what Jehovah did for me when I came forth out of Egypt. [9]And it shall serve as a sign to thee upon thy hand, and as a memorial between thine eyes, that the law of Jehovah may be in thy mouth; for with a strong hand Jehovah brought thee out of Egypt. [10]Thou shalt, therefore, keep this ordinance at a set time from year to year.

Combined with the passover

Dt. 16 [3]Thou shalt eat no leavened bread with the passover; seven days shalt thou eat unleavened bread therewith, even the bread of affliction, for thou camest forth from the land of Egypt in trepidation, that thou mayest remember the day when thou camest forth out of the land of Egypt[k] all the days of thy life. [4a]And for seven days no leaven shall be seen with thee in all thy territory. [8]Six days thou shalt eat unleavened bread: and on the seventh day shall be an assembly to Jehovah thy God; in which thou shalt do no work.

§ 213. Feast of Weeks or Harvest, Ex. 34[22a], 23[16a], Dt. 16[9-11]

Primitive Codes

At end of grain harvest

Ex. 34 [22a]Thou shalt observe the feast of weeks, even of the firstfruits of wheat harvest.

Originally the date of this harvest festival was fixed simply by the ripening grain. Hence it differed from year to year in different parts of the land. When at length it was closely combined with the passover feast and was celebrated not at the local shrines but at Jerusalem, a definite date became necessary; this is fixed in the exilic and post-exilic codes, cf. § 218.

[i] Ex. 13[3] The basis of the law in Ex. 13[3-10] was probably found in the early Judean prophetic narratives. Linguistic evidence and the implications elsewhere in the narrative suggest that this originally read, [3a]*And Moses said to the people,* [4]*This day ye go forth in the month Abib* [6]*Seven days shall ye eat unleavened bread, and on the seventh day shall be a feast to Jehovah* In the present text, however, the person has been changed to, *thou*, possibly under the influence of Ex. 34[18].

[j] Ex. 13[3] Lit., *strength of hand.*

[k] Dt. 16[3] Cf. Ex. 12[34. 39].

§ 213 The feast of weeks or harvest marked the end of the grain harvest. In the primitive codes the exact date is not fixed; in the Deuteronomic the date is still determined by the ripening of the grain, but that it might be observed at the same time it is to be held seven weeks after the feast of unleavened bread. From Ex. 23[16a] it may be inferred that its oldest name

Primitive Codes

23^{16a}Thou shalt observe the feast of harvest [the feast of] the firstfruits of thy labors, which thou hast sown in the field.

Deuteronomic Codes

Dt. 16 ^{9}Seven weeks shalt thou number to thee; from the time thou beginnest to put the sickle to the standing grain shalt thou begin to number the seven weeks. ^{10}And thou shalt keep the feast of weeks to Jehovah thy God according to the measure of the voluntary offering which thy hand shall present in proportion as Jehovah thy God blesseth thee. ^{11}Thou and thy son and thy daughter, thy male and female slaves, and the Levite, who dwelleth in thy city, and the resident alien, the fatherless and the widow, who live with thee, shall rejoice before Jehovah in the place where Jehovah thy God shall choose to have his name dwell.

Seven weeks after beginning of harvest

§ 214. **Feast of Ingathering or Tabernacles, Ex. 34**^{22b}**, 23**^{16b}**, Dt. 16**$^{13-17}$

Primitive Codes

Ex. 34 ^{22b}Thou shalt observe the feast of ingathering at the end of the year.

Harvest home

Ex. 23 ^{16b}Thou shalt observe the feast of ingathering at the end of the year, when thou gatherest in the fruit of thy labors from the field.

Deuteronomic Codes

Dt. 16 ^{13}Thou shalt keep the feast of tabernacles seven days, after thou hast gathered in the products of thy threshing-floor and thy winepress. ^{14}And thou shalt rejoice in thy feast, together with thy son and thy daughter, thy male and female slaves, the Levite, the resident alien, the fatherless, and the widow, who are within thy city. ^{15}Seven days shalt thou keep a feast to Jehovah thy God in the place which Jehovah shall choose; because Jehovah thy God will bless thee in all thine increase and in all the work of thy hands, and thou shalt be altogether joyful. ^{16}Three times in the year shall all thy males appear before Jehovah thy God in the place which he shall choose: at the feast of unleavened bread, and at the feast of weeks, and at the feast of tabernacles; and they shall not appear before Jehovah empty-handed; ^{17}every man shall give as he is able according to the individual gift with which Jehovah thy God hath blessed thee.

A week of glad rejoicing at the temple

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was the *feast of harvest*. Originally it was doubtless celebrated at the local sanctuaries and with great hilarity, cf. Hos. 9$^{1, 2, 5}$. Dt. transfers it to the temple at Jerusalem, but still preserves its joyful character. For the post-exilic laws, cf. § 219.

§ 214 In the pre-exilic codes the feast of ingathering is distinctly an agricultural feast. In its oldest O.T. form it was probably inherited from the Canaanites, but its origin may be traced back to the nomadic autumn festival when the Arabs resorted, as they still do, to the oases to gather their supply of dates. Its designation in the primitive codes well describes it: it was the feast of ingathering at the close of the summer. In spirit it corresponds closely to the American Thanksgiving. Its date is left indeterminate in the pre-exilic codes. At first it was apparently celebrated for only a day or two and at the local sanctuaries, cf. Judg. 21^{19}, I Sam. 1^{3}; but the Deuteronomic lawgivers extended it to a week and transferred it to the temple at Jerusalem. They also designate it as the *feast of booths*, or following the established terminology, of *tabernacles*. Of the three great feasts it was the most important, coming as it did at the close of the year's work. Thus Solomon chose it for the dedication of his temple, I Kgs. 8$^{2, 65}$. In I Kgs. 12^{32} it is stated that Jeroboam arranged that this feast should be observed in Northern Israel in the eighth instead of the seventh month, as was the custom in Judah. Cf. for its later development, § 222.

§ 215. Sabbatical Year, Ex. 23[10, 11], Dt. 15[1-3], 31[10-12]

Primitive Codes

Sharing of natural products

Ex. 23 [10]Six years thou shalt sow thy land, and gather in its increase; [11]but the seventh year thou shalt let it rest and lie fallow; that the poor of thy people may eat; and what they leave the wild beasts shall eat. In like manner do with thy vineyard and thy oliveyard.

Deuteronomic Codes

Temporary remission of debts

Dt. 15 [1]At the end of every seven years thou shalt make a release. [2]And this is the nature of the release: every creditor shall remit that which he hath lent to his neighbor; he shall not exact of his neighbor or fellow countryman, because Jehovah's release hath been proclaimed. [3]Of a foreigner thou mayest exact it; but whatever of thine is with thy fellow countryman let thy hand release.

Public reading of the law

31 [10]Moses gave the Israelites this command: At the end of every seven years in the year fixed for the release, at the feast of tabernacles, [11]when all Israel cometh to see the face of Jehovah thy God in the place which he shall choose, thou shalt read this law before all Israel. [12]Assemble the people, the men and the women and the children, as well as the aliens who reside within thy city, that they may hear, and learn, and fear Jehovah your God, and faithfully follow all the words of this law.[1]

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The Sacred Calendar of the Post-Exilic Hierarchy

§ 216. The New Moon, Nu. 28[11-15]

Supplemental Priestly Codes

Regular offerings

Nu. 28 [11]On the first days of your months ye shall offer a burnt-offering to Jehovah: two young bullocks and one ram, and seven yearling lambs

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§ 215 Cf. note § 112.

[1] Dt. 31[12] The law referred to is the body of the book of Dt.

The Sacred Calendar of the Post-Exilic Hierarchy.—The centralization of all worship in Jerusalem and the Babylonian exile fundamentally transformed the character of Israel's religious festivals. Under the dark shadow of the exile they lost their old joyous nature. Guilt- and sin-offerings took the place of the old family feasts and the entire energy of the community was devoted to regaining Jehovah's favor through an elaborate ritual. The great festivals were also detached from their original close connection with the agricultural occupations of the people; exact dates were now fixed for each, and nearly the same ritual was observed at all of them. Their older origin and meaning was also forgotten and they were associated in the later traditions more and more with great national events in Israel's history.

Not only was the ritual made much more elaborate, but new religious feasts were added, cf. Appendix X. This was but the earlier manifestation of a tendency which went on after the canon of the law was closed. During the Maccabean period five more festivals were added, including the feast of Purim, the feast of Dedication, and the feast of Nicanor. Thus the life of Judaism centred more and more about the temple, and the nation lived in the memory of the past and devoted its energies to the performance of the demands of its elaborate ritual.

§ 216 As has already been noted, cf. introd. note on *the Primitive Sacred Calendar*, § 210, the feast of the new moon was one of the oldest institutions among the Hebrews. Originally it appears to have been a family feast, celebrated with a clan sacrifice. If the pre-exile lawgivers deliberately refused to recognize it, because it contained so many heathen customs, their effort to set it aside failed. Ezek. provides for worship on the new moon, as well as the sabbath, 46[3]. With the general centralization of worship which resulted from the application

Supplemental Priestly Codes

without blemish, [12]and three-tenths of an ephah of fine meal as a cereal-offering, mingled with oil, for each bullock, and two-tenths of an ephah of fine meal as a cereal-offering, mingled with oil, for one ram, [13]and a tenth of an ephah of fine meal mingled with oil as a cereal-offering for each lamb, as a burnt-offering of a pleasing odor, an offering made by fire to Jehovah. [14]And their libations shall be half a hin of wine for a bullock, and a third of a hin for the ram, and a fourth of a hin for the lamb; this is the burnt-offering of the new moon to be offered at every new moon throughout the year. [15]Moreover one male goat shall be offered as an offering to Jehovah, with the regular burnt-offering.

§ 217. The Sabbath, Lev. 19[3b] [30, 26[2]], Ex. 31[12-14], 35[1-3], Gen. 2[2, 3], Ex. 31[15-17], Lev. 23[3], Ex. 16[22-26], Nu. 15[32-36], 28[9, 10]

Holiness Code

Lev. 19 [3b]Ye shall keep my sabbaths: I am Jehovah your God.

To be kept holy

Ex. 31 [12]Jehovah spoke thus to Moses,[a] [13]Say thou to the Israelites, 'Ye shall surely keep my sabbaths; for it is a sign between me and you throughout your generations that ye may know that I am Jehovah who am sanctifying you. [14]Ye shall keep the sabbath, therefore, for it is holy to you; everyone who profaneth it shall surely be put to death; for whoever doeth any work in it, that one shall be cut off from among his people.'

Priestly Codes

Ex. 35 [1]Moses assembled all the congregation of the Israelites and said to them, These are the things which Jehovah hath commanded you

To do work in it a capital offence

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of the Deuteronomic law, it ceased in time to be a family feast. Thus transferred to the temple, it lost its older character and became simply a ceremonial function, observed, as the above law directs by the offering of stated sacrifices. That it still occupied a place in the hearts of the people is shown by the references in Is. 66[23] and Judith 8[6].

§ 217 As has already been suggested in § 210, the sabbath in the most primitive period was apparently, like the new moon, a religious festival in honor of the Deity. The prophetic lawgivers, however, like the great Prophet of Nazareth, for humane reasons gave the element of rest the central position. As in the case of other institutions, the late priestly lawgivers revived the primitive ritualistic conception of the sabbath and emphasized the necessity of abstaining from labor, not for man's sake but as an element of worship. The later priests did not cease until in their traditional precedents, connected as usual with Moses, they had made labor on that day a capital offence. In this group of laws we see the first full expression of that tendency to make the sabbath a central and saving institution, which later made Judaism absurd and filled the Talmud with a vast body of minute and impossible laws.

Again the conditions of the exile explain why the sabbath, heretofore only one of several national festivals, assumed a central place in the post-exilic calendar. All the other religious feasts had been by the law of Dt. bound closely to the now destroyed temple and sacred city; hence they necessarily, for a time at least, fell into abeyance. The sabbath alone could be observed by every member of the scattered race, wherever the exile had cast him. The sabbath, therefore, met the deep need, which the Jews in this and succeeding periods felt for a definite time for worship and communion with Jehovah. It satisfied their religious needs, it kept alive their faith, and its observance soon became the distinctive mark of a loyal member of the race. For many it stood as the symbol of the ritual as a whole. Little wonder, therefore, that it bulks as largely as it does in the literature and thought of earlier Judaism.

Deeper still, underlying the institution and giving it eternal validity, is the fact that in its provision for rest and the recreation of body, mind and soul, it meets a fundamental and universal human need. It was the recognition of this absolute need that led Jesus to sweep away with one stroke all the traditions and misinterpretations, with which men had covered it, and thereby to reveal it in its true character as one of God's supreme gifts to his toiling children.

[a] Ex. 31[12-14] A very late priestly editor has evidently here made extracts from the Holiness Code the basis for a more expanded sabbath law. The later terms and phrases are readily recognized.

Priestly Codes

to do. [2]Six days shall work be done; but on the seventh ye shall have a day consecrated to Jehovah, a sabbath of complete rest;[b] whoever doeth any work in it shall be put to death. [3]Ye shall kindle no fire in any of your dwellings on the sabbath.

The divine example

Gen. 2 [2]When on the seventh day God had finished his work which he had done, and rested on the seventh day from all his work which he had done, [3]God also blessed the seventh day and hallowed it; because in it he rested from all his work which he, God, had done in the process of creation.

Supplemental Priestly Codes

A holy sign

Ex. 31 [15]Six days shall work be done, but on the seventh is a sabbath of complete rest, holy to Jehovah; whoever doeth any work on the sabbath shall surely be put to death. [16]Therefore the Israelites shall keep the sabbath, by observing the sabbath throughout their generations as a perpetual covenant. [17]It is a sign between me and the Israelites forever; for in six days Jehovah made heaven and earth, and on the seventh day he rested and was refreshed.

Day of solemn rest

Lev. 23 [3]Six days may work be done, but on the seventh day is a sabbath of complete rest, a holy religious assembly;[c] ye shall do no work at all; it is a sabbath to Jehovah in all your dwellings.

Traditional precedents: food in the wilderness

Ex. 16 [22]On the sixth day [the Israelites in the wilderness] gathered twice as much bread—two omers for each one—and all the rulers of the congregation came and told Moses. [23]And he said to them, This is because Jehovah hath commanded, 'To-morrow shall be a day of rest, a sabbath consecrated to Jehovah. Bake that which you wish to bake and boil that which you wish to boil; but all that is left over lay up in order to keep it until to-morrow.' [24]So they laid it up until the next day, as Moses commanded, but it did not become foul, nor were there any worms in it. [25]And Moses said, Eat that to-day, for to-day is a sabbath to Jehovah; to-day you will not find it in the field. [26]Six days shall you gather it, but on the seventh day, the sabbath, there will be none.

Public execution of an offender

Nu. 15 [32]While the Israelites were in the wilderness they found a man gathering sticks on the sabbath. [33]Then those who found him gathering sticks brought him to Moses and Aaron and to all the congregation. [34]And they put him in confinement, because he had not clearly explained what should be done to him. [35]Jehovah said to Moses, The man shall surely be put to death, and the congregation shall stone him outside the camp. [36]So all the congregation led him outside the camp and stoned him to death, as Jehovah commanded Moses.

Regular sabbath offering

28 [9]Ye shall offer on the sabbath two yearling male lambs without blemish, and two-tenths of an ephah of fine meal as a cereal-offering, mingled with oil, and its libation; [10]this is the burnt-offering of every sabbath, besides the regular burnt-offering and its libation.

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[b] Ex. 35[2] Heb., *a holy day, a sabbath of complete rest to Jehovah;* but cf. 16[23] and 31[15].
[c] Lev. 23[3] Lit., *a holy calling together.*

§ 218. Feast of the Passover and Unleavened Bread, Lev. 23[10-14, 4-8], Ex. 12[1-13, 43, 45-50, 14-20], Nu. 28[16-25], 9[1-14]

Holiness Code

Date and method of observance

Lev. 23 [10]Jehovah said to Moses, Speak to the Israelites and say to them, 'When ye come into the land which I am about to give to you, and reap its harvest, ye shall bring a sheaf of the firstfruits of your harvest to the priest, [11]and he shall wave the sheaf before Jehovah that ye may be accepted; on the day following the sabbath the priest shall wave it. [12]And on the day when ye shall wave the sheaf, ye shall offer a male lamb without blemish a year old as a burnt-offering to Jehovah. [13]And its cereal-offering shall be two-tenths of an ephah of fine meal mixed with oil,[d] an offering made by fire to Jehovah as a pleasant odor; and its libation shall be of wine, the fourth of a hin. [14]And ye shall eat neither bread, nor parched grain, nor fresh ears, until that day, until ye have brought the offering of your God; it is a statute forever throughout your generations in all your dwellings.'

Priestly Codes

Exact date

Lev. 23 [4]These are the appointed seasons of Jehovah, the religious assemblies in the sanctuary, which ye shall proclaim in their appointed season. [5]On the fourteenth day of the first month towards evening[e] is Jehovah's passover. [6]And on the fifteenth day of the same month is the feast of unleavened bread to Jehovah; seven days ye shall eat unleavened bread. [7]On the first day ye shall have a religious assembly at the sanctuary; ye shall do no toilsome work. [8]But ye shall bring an offering made by fire to Jehovah for seven days; in the seventh day is a holy religious assembly at the sanctuary; ye shall do no toilsome work.

Manner of celebrating the passover

Ex. 12 [1]Then Jehovah spoke to Moses and Aaron in the land of Egypt, saying, [2]This month shall be to you the beginning of months; it shall be the first month of the year to you. [3]Speak to all the congregation of Israel saying, 'In the tenth day of this month they shall each provide for themselves a lamb, one for each individual family; [4]and if the family be too small for a lamb, then shall he and his next door neighbor take one together, according to the number of persons; according to each one's ability to eat shall ye make your reckoning for the lamb. [5]Your lamb must be without blemish, a male, a year old; ye shall take it from the sheep or from the goats. [6]And ye shall keep it until the fourteenth day of the same month; then the whole

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§ 218 The Holiness Code makes no reference to the passover or feast of unleavened bread, unless Lev. 23[4-8] is an editorial epitome of the older code. The language and representation indicate that these vss. in their present form are from one of the authors of the priestly codes, cf. Ex. 12[14-20]. In the priestly codes the fusion of the passover and the feast of unleavened bread is complete and the date is definitely fixed, as it was in the days of Ezek., on the fourteenth day of the first month of the Bab. calendar, *i. e.*, Nisan (March-April). The priestly lawgivers abandon the attempt of the Deuteronomic reformers to transfer the feast to Jerusalem and revert to the older custom of allowing each family to celebrate it at home. In keeping with the tendency of the day, they provide, however, that an elaborate sacrificial offering shall be offered at the temple each day of the feast.

[d] Lev. 23[13, 14] The original law has evidently been expanded at this point by a later priestly editor who was interested in the ritual

[e] Lev. 23[5] Lit., *between the two evenings*, a characteristic expression of the late priestly writers. It means either between the time when the sun begins to sink in the west and sunset or more probably between sunset and dark.

Priestly Codes

assembly of the congregation of Israel shall kill it toward evening. [7]And they shall take of the blood and put it on the two door-posts and on the lintel of the houses in which they shall eat it. [8]And in the same night they shall eat the flesh roasted with fire; with unleavened bread and bitter herbs shall they eat it. [9]Be sure to eat it neither raw nor boiled in water, but roasted with fire, retaining its head with its legs and inwards. [10]And ye shall keep nothing of it until morning; but that which remaineth of it until morning ye shall burn with fire. [11]And thus shall ye eat it, with your loins girded, your shoes on your feet, and your staff in your hand; and ye shall eat it in trembling haste, it is Jehovah's passover. [12]For I will go through the land of Egypt on that night, and smite all the first-born in the land of Egypt, both man and beast; and against all the gods of Egypt will I execute judgments: I am Jehovah. [13]And the blood shall be for your sakes as a token upon the houses where ye are; for where I see the blood I will pass over you, and no destructive blow shall come upon you, when I smite the land of Egypt.'

Those eligible

[43]Jehovah said to Moses and Aaron,[f] This is the ordinance of the passover: No foreigner shall eat of it, [44]but every man's slave that hath been bought for money, when thou hast circumcised him, shall eat of it. [45]A resident alien and a hired servant shall not eat of it. [46]In one house shall it be eaten; thou shalt not carry any of the flesh out of the house; neither shall ye break a bone of it. [47]All the congregation shall keep it. [48]And when an alien shall reside with thee and wish to keep the passover to Jehovah, let all the male members of his family be circumcised, and then let him come near and keep it; and he shall be as a native born; but no uncircumcised person shall eat of it. [49]One and the same law shall apply to the native born and the foreigner residing among you. [50]Thus did all the Israelites; as Jehovah commanded Moses and Aaron, so did they.

Supplemental Priestly Codes

Removal of all leaven

Ex. 12 [14]The [passover] day shall be a reminder to you and ye shall keep it as a feast to Jehovah throughout your generations;[g] by an ordinance shall ye forever keep it as a feast. [15]Seven days shall ye eat unleavened bread; immediately on the first day ye shall put away leaven out of your houses, for whoever eateth leavened bread from the first day until the seventh day shall be cut off from Israel. [16]And on the first day ye shall hold a religious assembly at the sanctuary, and on the seventh day a holy religious assembly at the sanctuary; no kind of work shall be done in them, except that which every man must do to eat, that only may be done by you. [17]And ye shall observe the regulation regarding unleavened bread, for on this very day I brought your hosts out of the land of Egypt; therefore ye shall observe this day throughout your generations as an ordinance forever. [18]On the four-

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[f] Ex. 12[43-50] Since the point of view assumed in this section is the settled life in Canaan, cf. [50], it is possible that these vss., which have no real connection with their context, are from a later priestly editor.

[g] Ex. 12[14-20] In these vss. the historic event, recorded in 12[1-13], is made the basis of a permanent institution. It apparently comes from one of the later priestly editors of Ex.

Supplemental Priestly Codes

teenth day of the first month in the evening ye shall eat unleavened bread, until the evening of the twenty-first day of the month. [19]Seven days shall no leaven be found in your houses; for whoever eateth that which is leavened shall be cut off from the congregation of Israel, whether he be a resident alien or a native born. [20]Ye shall eat nothing leavened; in all your dwellings ye shall eat unleavened bread.

Specific offerings

Nu. 28 [16]On the fourteenth day of the first month is Jehovah's passover.[h] [17]And on the fifteenth day of this month shall be a feast; seven days shall unleavened bread be eaten. [18]In the first day shall be a religious assembly at the sanctuary; ye shall do no toilsome work, [19]but ye shall offer an offering made by fire, a burnt-offering to Jehovah: two young bullocks, one ram, and seven male lambs a year old; they shall be without blemish; [20]and their cereal-offering, fine meal mingled with oil; three-tenths of an ephah shall ye offer for a bullock, and two-tenths for the ram; [21]a tenth thou shalt offer for each of the seven lambs; [22]and one male goat as a sin-offering,[i] to make atonement for you. [23]Ye shall offer these besides the burnt-offering of the morning, which is a regular burnt-offering. [24]This same offering shall ye offer daily, for seven days, as food consumed by fire, an odor pleasing to Jehovah; it shall be offered in addition to the regular burnt-offering and its libation. [25]And on the seventh day ye shall have a religious assembly at the sanctuary; ye shall do no toilsome work.

Traditional precedent

9 [1]Jehovah gave this command to Moses in the Wilderness of Sinai,[j] in the first month of the second year after they had come out of the land of Egypt: [2]Let the Israelites keep the passover in its appointed season. [3]On the fourteenth day of this month, toward evening, ye shall keep it in its appointed season; in accord with all the statutes and ordinances regarding it shall ye keep it. [4]And Moses commanded the Israelites that they should keep the passover. [5]And they kept the passover on the fourteenth day of the first month, towards evening, in the Wilderness of Sinai; according to all that Jehovah commanded Moses so did the Israelites.

Case of men ceremonially unclean

[6]But there were certain men, who were unclean through contact with the dead body of a man,[k] so that they could not keep the passover on that day. And they came before Moses and Aaron on that day; [7]and these men said to him, We are unclean through contact with the dead body of a man;[l] why should we be excluded from offering the gift for Jehovah at its appointed season along with the Israelites? [8]And Moses said to them, Wait, that I may hear what Jehovah will command concerning you.

Provision for such of a second passover

[9]Then Jehovah spoke thus to Moses, [10]Say to the Israelites, 'If any of you or of your descendants shall be unclean through contact with a dead body, or be on a distant journey, he shall keep the passover to Jehovah. [11]On the

[h] Nu. 28[16ff] These vss. also appear to come from the later priestly editors, who were interested simply in the ritual.

[i] Nu. 28[22] This offering was the same as at the new moon, cf. § 216.

[j] Nu. 9[1-8] This law is evidently a later priestly insertion in its present context with which it has no real connection. It provides a supplementary passover for those prevented from observing the regular passover at the appointed time.

[k] Nu. 9[6] Cf. § 181.

[l] Nu. 9[7] Lit., *with a man.*

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fourteenth day of the second month, towards evening, they shall keep it; they shall eat it with unleavened bread and bitter herbs; [12]they shall leave none of it until the morning nor break a bone of it; according to all the statute of the passover shall they keep it. [13]But the man who is ceremonially clean and is not on a journey and neglecteth to keep the passover, that one shall be cut off from his people; because he offered not the gift to Jehovah in its appointed season, that man shall bear his guilt. [14]And if a foreigner reside among you and wish to keep the passover to Jehovah according to the statute of the passover and the ordinance regarding it, so shall he do; ye shall have one statute, both for the resident alien and the native born.'

§ 219. Feast of Weeks or Firstfruits, Lev. 23[15-21], Nu. 28[26-31]

Holiness Code

Date and ritual

Lev. 23 [15]Ye shall count from the day following the sabbath, from the day that ye bring the sheaf of the wave-offering [at the beginning of the feast of unleavened bread], seven full weeks; [16]until the day following the seventh sabbath shall ye count fifty days; and ye shall present a new cereal-offering to Jehovah. [17]Ye shall bring out of your dwellings two wave-loaves of two-tenths of an ephah; they shall be of fine meal, and they shall be baked with leaven, as firstfruits for Jehovah. [18]Ye shall present with the bread seven yearling lambs without blemish, and one young bullock, and two rams; they shall be a burnt-offering to Jehovah, with the cereal-offerings and libations, an offering made by fire, of an odor pleasing to Jehovah. [19]Ye shall also offer one male goat as a sin-offering, and two male lambs a year old as a sacrifice of peace-offerings. [20]And the priest shall wave them with the bread of the firstfruits as a wave-offering before Jehovah, with the two lambs; they shall be a holy gift for Jehovah and shall belong to the priest. [21]And he shall make proclamation on that same day,[m] and there shall be a religious assembly for you in the sanctuary; ye shall do no toilsome work; it is a statute forever in all your dwellings throughout your generations.

Supplemental Priestly Codes

Additional directions and offerings

Nu. 28 [26]On the day of the firstfruits, when ye offer a new cereal-offering to Jehovah in your feast of weeks, ye shall hold a religious assembly at the sanctuary; ye shall do no toilsome work, [27]but ye shall offer a burnt-offering as an odor pleasing to Jehovah: two young bullocks, one ram, seven male lambs a year old, [28]and their cereal-offering, fine meal mingled with oil, three-tenths of an ephah for each bullock, two-tenths for the one ram, [29]a tenth for each of the seven lambs, [30]one male goat to make atonement for you. [31]Besides the regular burnt-offering, and its cereal-offering, ye shall offer them—they shall be without blemish,—and their libations.

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§ 219 The Holiness Code, like that of Dt. leaves the exact date of the feast indeterminate, simply fixing it on the fiftieth day (hence the N.T. designation, *Pentecost*) after the beginning of the feast of unleavened bread. The details of the sacrificial offering in [18b], [19a] appear to have been added by a late priestly editor, cf. § 167 note [a].

[m] Lev. 23[21] The characteristic formulas of the priestly lawgivers reappear in this vs.

§ 220. Feast of Trumpets, Lev. 23²³⁻²⁵, Nu. 29¹⁻⁶

Priestly Codes

Lev. 23 ²³Jehovah gave this command to Moses: ²⁴Speak thus to the Israelites, 'On the first day of the seventh month ye shall have a complete rest, a memorial day celebrated by the blowing of trumpets, a religious assembly at the sanctuary. ²⁵Ye shall do no toilsome work, and ye shall present an offering made by fire to Jehovah.' Date and method of observance

Supplemental Priestly Codes

Nu. 29 ¹On the first day of the seventh month ye shall hold a religious assembly at the sanctuary; ye shall do no toilsome work; it shall be to you a day for blowing trumpets. ²And ye shall offer a burnt-offering as an odor pleasing to Jehovah: one young bullock, one ram, seven male lambs a year old without blemish, ³and their cereal-offering, fine meal mingled with oil, three-tenths of an ephah for the bullock, two-tenths for the ram, ⁴and one-tenth for each of the seven lambs, ⁵and one male goat as a sin-offering, to make atonement for you, ⁶in addition to the burnt-offering of the new moon, and its cereal-offering, and the regular burnt-offering, and its cereal-offering, and their libations in accordance with their ordinance, as a pleasant odor, an offering made by fire to Jehovah. Specific offerings

§ 221. Day of Atonement, Lev. 16, 23²⁶⁻³², Nu. 29⁷⁻¹¹ [Ex. 30¹⁰]

Priestly Codes

Lev. 16 ¹Jehovah spoke to Moses, after the death of the two sons of Aaron, when they drew near before Jehovah and died, ²and Jehovah said High priest's preparations

§ 220 There are no traces of this feast in the pre-exilic literature. It falls, however, on the first day of the early Heb. year which began in Sept., cf. Ex. 23¹⁶, Lev. 25⁹, Ezek. 40¹, rather than in the spring. Most Semitic peoples celebrate the beginning of a new year with some religious festivities, so that the present laws may simply represent the revival of a very old institution. From the time of Alexander the Jews have celebrated this feast as the New Year's Day. The priestly lawgivers doubtless desired to emphasize the first day of the seventh Bab. month, doubling as they did at that time the regular offerings of the new moon, because of the important feasts which fell in that month.

§ 221 The day of atonement represents the culmination of the ritualistic tendencies of the late priestly schools. It is nowhere mentioned in the pre-exilic or Holiness codes. Ezek. did not know of it in its present form, but provides rather for two days of atonement, one on the first day of the first month, and on the first of the seventh month, 45¹⁸⁻²⁰. In the account of the great priestly reformation in Neh. 8, the tenth of the seventh month is passed over without any reference to it, but on the twenty-fourth a general feast and confession was held. The laws regarding the day of atonement, therefore, appear to be among the latest sections of the Pentateuch. Its background is the Bab. exile and its motive is its deep sense of guilt which that overwhelming national experience impressed on the minds of the Jews. But the Holy One must be served by a holy people. In the doctrines of the priestly schools holiness meant ceremonial purity. Therefore the ritual of the day of atonement was developed to remove from the nation and sanctuary all possible forms of defilement overlooked or not provided for by the other detailed ceremonial laws. It was natural that in the minds of later Jews it should become the most important day in the calendar. It was equivalent to a great national confession. In the deeply spiritual prayers of the later ritual and of Judaism to-day it is essentially a common confession of individual as well as national guilt.

Whether or not the institution is derived from the Bab. day of appeasement (*shabattum*, cf. Lev. 23²⁴) cannot be definitely determined. The aim, to win the favor of the Deity by special offerings, is the same in both. Doubtless the Jewish priests in Babylonia were influenced, indirectly at least, by prominence of this kindred idea and institution among their neighbors and masters.

The goat, sent forth to Azazel, like the bird released in connection with the leprosy offering, § 207, reflects the very ancient and widespread belief that human ills or guilt could thus be

to Moses, Speak to thy brother Aaron, that he do not come at all times into the holy place within the curtain, before the covering which is on the ark, lest he die, for I appear in the cloud upon the covering. [3]Thus shall Aaron come into the holy place: with a young bullock as a sin-offering, and a ram as a burnt-offering. [4]He shall clothe himself in a linen coat, and he shall put on linen breeches, and shall be girded with a linen girdle, and shall have a linen turban wound about his head; they are holy garments; and he shall bathe his body in water before putting them on.

Sacrificial victims

[5]And he shall take from the congregation of the Israelites, two male goats as a sin-offering, and one ram as a burnt-offering. [6]And Aaron shall bring the bullock of the sin-offering, which is for himself, and shall make atonement for himself and for his house. [7]And he shall take the two goats and set them before Jehovah at the entrance of the tent of meeting. [8]And Aaron shall cast lots upon the two goats: one lot for Jehovah, and the other lot for Azazel. [9]And Aaron shall bring the goat upon which the lot fell for Jehovah, and offer it as a sin-offering. [10]But the goat on which the lot fell for Azazel shall he set alive before Jehovah, in order that Aaron may make atonement upon it, to send it away for Azazel into the wilderness.

Sin-offering and incense

[11]Then Aaron shall bring the bullock of the sin-offering, which is for himself, and shall make atonement for himself and for his house; and he shall kill the bullock of the sin-offering which is for himself; [12]and he shall fill his censer with coals of fire from the altar before Jehovah, and his hands with sweet incense beaten fine, and shall bring it within the curtain; [13]and he shall put the incense on the fire before Jehovah, that the cloud of incense may encircle the covering over the testimony,[n] that he die not; [14]and he shall take some of the blood of the bullock, and sprinkle it with his finger on the front of the covering which faces eastward; and also he shall sprinkle the blood with his finger seven times before the covering.

Cleansing of priests and people

[15]Then he shall kill the goat of the sin-offering that is for the people, and bring its blood within the curtain, and do with its blood as he did with the blood of the bullock, and sprinkle it upon the covering and in front of the covering; [16]and he shall make atonement for the holy place, on account of the uncleannesses of the Israelites and on account of their transgressions, whatever they may be; so shall he also do for the tent of meeting, that abideth among them in the midst of their uncleannesses. [17]And none shall be in the tent of meeting when he goeth in to make atonement for the holy place,

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laid upon an animal which would bear them away to the relief of the individual. Azazel was evidently conceived of in popular Jewish thought as the chief of the evil spirits dwelling in the desert. In the book of Enoch he is the chief of the angelic beings who formed unions with the daughters of men and who, through their offspring, the giants, brought sin and bloodshed to mankind, Enoch $6^{1.2}, 7^{1-5}, 9^{6.8-11}$. Like Prometheus, he is represented as bound for his sins to the rough rocks in the wilderness. It was to this spot, now identified with *Bet-khudedum*, beside a steep rocky gorge that the goat was led on the day of atonement, cf. the Mishna tractat *Yoma*, 6. The passages in Lev. 16 relating to the goat for Azazel, $^{5, 7-10, 14-28}$, may be later additions to the priestly regulation; they are not referred to in the very late priestly sections in Lev. 23^{26-32} and Nu. 29^{7-10}. While it is clear that Lev. 16 is made up of several originally distinct elements, it is impossible to determine with certainty which are the older, and all may have been combined in the present form by the same priestly editor.

[n] Lev. 16^{13} The priestly designation of the tables of the ten words.

until he come out. Thus he shall make atonement for himself and for his house and for all the assembly of Israel.

Of the altar

[18]Then he shall go out to the altar which stands before Jehovah° and make atonement for it; and he shall take some of the blood of the bullock and of the blood of the goat, and put it on the horns of the altar all around. [19]And he shall sprinkle some of the blood upon it with his finger seven times, and cleanse it, and sanctify it from the uncleannesses of the Israelites.

The scape goat

[20]When he hath made an end of atoning for the holy place, and the tent of meeting, and the altar, the live goat shall be brought; [21]and Aaron shall lay both of his hands on the head of the live goat, and confess over it all the iniquities of the Israelites and all their transgressions, whatever they may be; and he shall put them on the head of the goat, and shall send it away by the hand of a man who is in readiness into the wilderness; [22]and the goat shall bear upon itself all their iniquities into a solitary land; then he shall let the goat go into the wilderness.

Burnt-offerings

[23]Then Aaron shall come into the tent of meeting and shall put off the linen garments, which he put on when he went into the holy place, and shall leave them there; [24]he shall bathe his body in water in a holy place, and put on his garments. Then he shall come out and offer his burnt-offering and the burnt-offering of the people, and make atonement for himself and the people.

Additional details

[25]And he shall consume the fat of the sin-offering in sweet smoke upon the altar. [26]And he who let go the goat for Azazel shall wash his clothes and bathe his body in water, and afterwards he may come into the camp. [27]And the bullock of the sin-offering and the goat of the sin-offering, whose blood was brought in to make atonement in the holy place, shall be carried outside the camp; and their skins, and their flesh, and their dung shall be burnt with fire. [28]And he who burneth them shall wash his clothes and bathe his body in water, and afterwards he may come into the camp.

Résumé

[29]And it shall be an everlasting statute for you: On the tenth day of the seventh month, ye shall afflict yourselves, and shall do no work at all, whether it be the native born or the alien who resideth among you; [30]for on this day shall atonement be made for you, to cleanse you; ye shall be cleansed from all your sins before Jehovah. [31]It is a sabbath of complete rest for you, and ye shall afflict yourselves; it is a statute forever. [32]And the priest who shall be anointed and installed as priest in his father's place shall make the atonement, and shall put on the holy linen garments; [33]and he shall make atonement for the holy sanctuary; and he shall make atonement for the tent of meeting and for the altar; and he shall make atonement for the priests and for all the people of the assembly. [34]And this shall be an everlasting statute for you, that atonement be made for the Israelites because of all their sins once each year.

And he did as Jehovah commanded Moses.

° Lev. 16[13] *I. e.*, the great altar before the sanctuary.

Supplemental Priestly Codes

Day of solemn rest and confession

Lev. 23 [26]Jehovah spoke to Moses saying, [27]Verily on the tenth day of this seventh month is the day of atonement; it shall be a religious assembly at the sanctuary, and ye shall afflict yourselves; and ye shall present an offering made by fire to Jehovah. [28]And ye shall do no work at all on that same day; for it is a day of atonement, on which to make atonement for you before Jehovah your God. [29]For whoever doth not afflict himself on that same day shall be cut off from his people. [30]And whoever doeth any work at all on that same day, I will destroy from among his people. [31]Ye shall do no work at all; it is a statute forever throughout your generations in all your dwellings. [32]It shall be to you a sabbath of complete rest, and ye shall afflict yourselves; in the ninth day of the month at evening, from evening to evening, shall ye keep your sabbath.

Specific offerings

Nu. 29 [7]On the tenth day of the seventh month ye shall hold a religious assembly at the sanctuary; and ye shall afflict yourselves; ye shall do no work at all, [8]but ye shall offer a burnt-offering to Jehovah as a pleasing odor: one young bullock, one ram, seven male lambs a year old: they shall be without blemish; [9]and their cereal-offering, fine meal mixed with oil, three-tenths of an ephah for the bullock, two-tenths for the one ram, [10]a tenth for each of the seven lambs, [11]one male goat as a sin-offering, in addition to the sin-offering of atonement, and the regular burnt-offering, and its cereal-offering, and their libations.

§ 222. Feast of Tabernacles, Lev. 23[39-44, 33-36], Nu. 29[12-38]

Holiness Code

Method of observance

Lev. 23 [39]Verily on the fifteenth day of the seventh month, when ye have gathered in the produce of the land, ye shall keep the feast of Jehovah for seven days; on the first day shall be a complete rest, and on the eighth day shall be a complete rest. [40]And ye shall take for yourselves on the first day the fruit of noble trees, branches of palm-trees, and boughs of thick trees, and poplars of the brook; and ye shall rejoice before Jehovah your God seven days. [41]And ye shall observe it as a feast to Jehovah seven days in the year; it is a statute forever throughout your generations; ye shall observe it in the seventh month. [42]Ye shall dwell in booths seven days; all that are native born in Israel shall dwell in booths, [43]that your descendants may know that I made the Israelites dwell in booths, when I brought them out of the land of Egypt: I am Jehovah your God. [44]Thus Moses declared to the Israelites the set feasts of Jehovah.

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§ 222 Ezek. was the first to fix the feast of tabernacles on the fifteenth of the seventh month, 45[25], although the reference in I Kgs. 12[32], if it is pre-exilic, would indicate that this date was already established in Judah. In the original version of the Holiness Code there appears to have been no definite date given; the notes in Lev. 23[39, 41] are probably from a late priestly scribe. In the priestly codes the earlier references to agriculture have entirely disappeared, and the later lawgivers also add an eighth day to the feast.

Priestly Codes

Lev. 23 [33]And Jehovah gave this command to Moses: [34]Speak thus to the Israelites, 'On the fifteenth day of the seventh month is the feast of tabernacles for seven days to Jehovah. [35]On the first day shall be a religious assembly in the sanctuary; ye shall do no toilsome work. [36]Seven days ye shall present an offering made by fire to Jehovah; on the eighth day ye shall hold a religious assembly in the sanctuary; and ye shall present an offering made by fire to Jehovah; it is a solemn assembly; ye shall do no toilsome work.'

Supplementary Priestly Codes

Nu. 29 [12]On the fifteenth day of the seventh month ye shall hold a religious assembly at the sanctuary; ye shall do no toilsome work, and ye shall keep a feast to Jehovah for seven days; [13]and ye shall present a burnt-offering, an offering made by fire, of an odor pleasing to Jehovah: thirteen young bullocks, two rams, fourteen male lambs a year old; they shall be without blemish; [14]and their cereal-offering, fine meal mixed with oil, three-tenths of an ephah for each of the thirteen bullocks, two-tenths for each of the two rams, [15]and a tenth for each of the fourteen lambs, [16]and one male goat as a sin-offering, in addition to the regular burnt-offering, its cereal-offering, and its libation. Offerings on the first day

[17]And on the second day ye shall offer twelve young bullocks, two rams, fourteen male lambs a year old without blemish, [18]and their cereal-offering and their libations for the bullocks, for the rams, and for the lambs, according to their number, in accordance with the ordinance, [19]and one male goat as a sin-offering, in addition to the regular burnt-offering, and its cereal-offering, and their libations. On the second day

[20]And on the third day eleven bullocks, two rams, fourteen male lambs a year old without blemish, [21]and their cereal-offering and their libations for the bullocks, for the rams, and for the lambs, according to their number, in accordance with the ordinance, [22]and one male goat as a sin-offering, in addition to the regular burnt-offering, and its cereal-offering, and its libation. On the third day

[23]And on the fourth day ten bullocks, two rams, fourteen male lambs a year old without blemish, [24]their cereal-offering and their libations for the bullocks, and for the rams, and for the lambs, according to their number in accordance with the ordinance, [25]and one male goat as a sin-offering, in addition to the regular burnt-offering, its cereal-offering, and its libation. On the fourth day

[26]And on the fifth day nine bullocks, two rams, fourteen male lambs a year old without blemish, [27]and their cereal-offering and their libations for the bullocks, for the rams, and for the lambs, according to their number, in accordance with the ordinance, [28]and one male goat as a sin-offering, in addition to the regular burnt-offering, its cereal-offering, and its libation. On the fifth day

[29]And on the sixth day eight bullocks, two rams, fourteen male lambs a year old without blemish, [30]and their cereal-offering and their libations for the bullocks, for the rams, and for the lambs, according to their number in accordance with the ordinance; [31]and one male goat as a sin-offering, in addition to the regular burnt-offering, its cereal-offering, and its libation. On the sixth day

Supplemental Priestly Codes

On the seventh day

[32]And on the seventh day seven bullocks, two rams, fourteen male lambs a year old without blemish, [33]and their cereal-offering and their libations for the bullocks, for the rams, and for the lambs, according to their number, in accordance with the ordinance; [34]and one male goat as a sin-offering, in addition to the regular burnt-offering, its cereal-offering, and its libation.

On the eighth day

[35]On the eighth day ye shall have a solemn assembly; ye shall do no toilsome work; [36]but ye shall offer a burnt-offering, an offering made by fire, of an odor pleasing to Jehovah: one bullock, one ram, seven male lambs a year old without blemish; [37]their cereal-offering and their libations for the bullock, for the ram, and for the lambs, shall be according to their number, in accordance with the ordinance; [38]and one male goat as a sin-offering, in addition to the regular burnt-offering, and its cereal-offering, and its libation.

§ 223. Sabbatical Year, Lev. 25[1-5, 17-22]

Holiness Code

No sowing but all to share natural products

Lev. 25 [1]Jehovah said to Moses on Mount Sinai, [2]Speak to the Israelites and say to them, 'When ye have come to the land which I give you, the land shall rest for a sabbath to Jehovah. [3]Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in its produce; [4]but the seventh year shall be a sabbath of complete rest for the land, a sabbath to Jehovah; thou shalt neither sow thy field nor prune thy vineyard. [5]That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine thou shalt not gather; it shall be a year of complete rest for the land.

Means of subsistence

[17]And ye shall not wrong each other, but thou shalt fear thy God: for I am Jehovah your God. [18]Therefore ye shall execute my statutes and keep mine ordinances and do them; then ye shall dwell in the land in security. [19]And the land shall yield its fruit, and ye shall eat your fill, and dwell in it in security. [20]And if ye say, "What shall we eat in the seventh year? behold we may not sow or gather in our produce;" [21]then I will command my blessing upon you in the sixth year and it shall bring forth produce for the three years. [22]And ye shall sow the eighth year, but eat of the old stores; until the produce of the ninth cometh in, ye shall eat of the old stores.'

§ 224. The Year of Jubilee, Lev. 25[8-16, 23-34, 39-42, 47-52, 54]

Supplemental Priestly Codes

Sacred year of rest

Lev. 25 [8]Thou shalt count seven sabbaths of years, for seven times seven years, and there shall be the equivalent of seven sabbaths of years, that is, forty-nine years. [9]Then thou shalt sound a loud horn on the tenth day of the seventh month; on the day of atonement shall ye sound a horn

§ 223 Cf. § 113 and the introductory note. In the priestly codes the year of jubilee takes the place of the sabbatical year.

§ 224 Cf. for the history of the year of jubilee and the origin of the present laws, note § 113.

Supplemental Priestly Codes

throughout all your land. [10]And ye shall set apart as sacred the fiftieth year and proclaim liberty throughout the land to all its inhabitants; it shall be a year of jubilee for you, and ye shall return each to his possession, and ye shall return each to his family. [11]A jubilee shall that fiftieth year be for you; ye shall not sow or reap that which grows of itself in it nor gather in the fruit of the undressed vines, [12]for it is a jubilee; it shall be holy to you; ye shall eat its produce directly from the field.

Restoration of all hereditary lands

[13]At this year of jubilee ye shall return each to his possession. [14]And if thou sell any land to thy neighbor, or buy it of thy neighbor, ye shall not wrong each other. [15]According to the number of years after the jubilee thou shalt buy land from thy neighbor, and according to the number of the crops until the next jubilee he shall sell it to thee. [16]If the number of years be great, thou shalt increase its price; but if the number of years be small, thou shalt reduce its price, for it is the number of the crops that he selleth to thee.

All land sold subject to restoration

[23]And the land shall not be sold in perpetuity; for the land is mine, and ye are resident aliens and settlers with me. [24]And in all the land of your possession ye shall grant a redemption for the land. [25]And if thy fellow countryman become poor, and sell some of his possession, then shall his kinsman who is next to him come, and redeem that which his kinsman hath sold. [26]And if a man hath no one to redeem it, and he become rich and find sufficient to redeem it, [27]then let him count the years since its sale and refund the remainder to the man to whom he sold it, and he shall return to his possession. [28]But if he is not able to get it back for himself, then that which he hath sold shall remain in the hand of the purchaser until the year of jubilee; and in the jubilee it shall be released, and he shall return to his possession.

Houses in walled and unwalled cities

[29]And if a man sell a dwelling house in a walled city, he shall have the right of redemption for a whole year after it was sold; for a full year he shall have the right of redemption. [30]But if it is not redeemed within the space of a full year, then the house that is in the walled city shall be assured in perpetuity to its purchaser throughout his generations; it shall not be released in the year of jubilee. [31]But the houses of the villages which have no wall round about them shall be reckoned with the fields of the country: they may be redeemed and they shall be released at the jubilee.

Houses of the Levites

[32]But in the case of houses in the cities which are the possession of the Levites the Levites may redeem at any time. [33]And if one of the Levites doth not redeem it, the house that was sold in the city of their hereditary possession shall be released at the jubilee; for the houses in the cities of the Levites are their possession among the Israelites. [34]But fields in the common pasture land of their cities may not be sold, for it is their perpetual possession.

Manumission of all Hebrew slaves

[42]And if thy fellow countryman grow poor, and sell himself to thee, thou shalt not make him to serve as a slave. [40]As a hired servant, and as a settler shall he be to thee; he shall serve with thee to the year of jubilee; [41]then shall he be released by thee, together with his children, and shall return to his

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own family, and to the possession of his fathers shall he return. [42]For they are my servants whom I brought from the land of Egypt; they shall not be sold as slaves.

Hebrews sold subject to this law

[47b]If thy fellow countryman become poor beside him and sell himself to a foreigner or alien residing with thee, or to a descendant of the foreigner's family, [48]he may be redeemed after he has sold himself; one of his kinsmen may redeem him, [49]or his uncle, or his uncle's son, may redeem him, or one of his near kinsmen may redeem him; or, if he become rich, he may redeem himself. [50]He shall reckon with his purchaser from the year that he sold himself to him to the next year of jubilee; and the price of his release shall be according to the number of years of service; on the terms of a hired servant shall he be with him. [51]If there are yet many years, in proportion to them he shall give back the price of his redemption out of the money for which he was bought. [52]And if there remain but few years until the year of jubilee, then he shall reckon with his master; according to the years of service still remaining shall he pay back the price of his redemption. [54]And if he be not redeemed in any of these ways, then he shall go free in the year of jubilee, together with his children.

APPENDIX

APPENDIX

I

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The following detailed references have been prepared especially to meet the needs of college and Bible classes and private readers. They do not aim to give a complete bibliography, but rather to call attention to the more important books and sections dealing with a given topic. Naturally, greater prominence is given to works written in English, but significant chapters or articles in French or German sources are also referred to and are distinguished by being printed in *italics*, and at the end of each section. To economize space the standard works are represented simply by the names of their authors, followed by the initial letters of the chief words in the titles. Whenever there is any doubt regarding the meaning of the abbreviations, they can be readily identified by referring to the *Selected Bibliography* (pp. 279 ff.), where each book will be found classified alphabetically according to the name of its author. In the classification of the references the order of the main divisions of this volume has been followed so that they can be used, in connection with the text, as guides in further systematic, comprehensive study.

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II

THE CIVIL AND CRIMINAL DECALOGUES OF EXODUS 21 AND 22

The following decalogues, together with that in Exodus 34, represent the oldest Hebrew laws which have been preserved. The few supplemental laws are reproduced in the footnotes; the evidence that these were not found in the original versions of these decalogues has already been presented in the Introduction, p. 25.

Superscription

Ex. 21 [1]Now these are the ordinances which thou shalt set before them:

First Decalogue: The Rights of Slaves

First Pentad: Males

I. **Ex. 21** [2]If a man buy a Hebrew slave, the slave shall serve six years; but in the seventh he shall go free without having to pay any ransom.

II. [3]If he come in single, he shall go free unmarried.

III. If he be married, then his wife shall go out with him.

IV. [4]If his master give him a wife and she bear him sons or daughters, the wife and her children shall be her master's, but the man shall go out by himself.

V. [5]If, however, the slave shall definitely say, I love my master, my wife, and my children; I will not go free, [6]then his master shall bring him before God, and shall lead him to the door, or the door-post, and his master shall bore through his ear with an awl; and the man shall be his slave as long as he liveth.

Second Pentad: Females

VI. [7]If a man sell his daughter to be a slave, she shall not go free as do the male slaves.

VII. [8]If she do not please her master, who hath espoused her to himself, then he may let her be redeemed; only he shall have no power to sell her to a foreign people seeing he hath dealt deceitfully with her.

VIII. [9]If he espouse her to his son, he shall deal with her as with a daughter.

IX. [10]If he marry another wife, her food, her raiment, and her duty of marriage shall he not diminish.

X. [11]If he do not these three things to her, then she may go out without having to pay any money.

Second Decalogue: Assaults

First Pentad: Capital Offences

I. **Ex. 21** [12]If a man strike another so that he die the manslayer shall be put to death.

II. [13]If a man lie not in wait, but God deliver him into his hand, then I will appoint thee a place to which he may flee.

III. [14]If a man attack another maliciously to slay him by treachery, thou shalt take him from mine altar, that he may be put to death.

IV. [15]He who striketh his father or his mother shall be put to death.

V. [16]He who stealeth a man, and selleth him, or if he still be found in his hand, shall surely be put to death.[a]

Second Pentad: Minor Offences

VI. [18]If men contend and one strike the other with a stone or a club, and he die not, but is confined to his bed, [19]then if he rise again, and can walk out supported on his staff, the one who struck him shall be acquitted; only he must pay for the loss of the other man's time until he is thoroughly healed.

VII. [20]If a man strike his male or female slave with a stick so that he die at once, the master must be punished.

VIII. [21]If, however, the slave survive a day or two, the master shall not be punished for it is his own loss.[b]

IX. [26]If a man smite the eye of his male or female slave, so that it is destroyed, he shall let him go free for his eye's sake.

X. [27]If he knock out a tooth of his male or female slave, he shall let him go free for his tooth's sake.

Third Decalogue: Laws Regarding Domestic Animals

First Pentad: Injuries by Animals

I. **Ex. 21** [28]If an ox fatally gore a man or a woman, the ox shall be stoned, and its flesh shall not be eaten, but the owner of the ox shall be acquitted.

II. [29]But if the ox was already in the habit of goring, and it hath been reported to its owner, and he hath not kept it in, with the result that it hath killed a man or a woman, the ox shall be stoned, and its owner shall also be put to death.

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[a] 21[16] Although it cuts athwart the context, the following ancient law was inserted here because it likewise imposed capital punishment:
[17]*Whoever curseth his father or his mother shall be put to death.*

[b] 21[21] Clearly [26] is the original sequel of [21]. The following early laws have later been inserted:
[22]*If men strive together and hurt a pregnant woman so that she hath a miscarriage and yet no harm to her result, he shall be fined as the woman's husband shall determine; and he shall pay for the miscarriage.* [23]*But if any harm follow, then thou shalt give life for life,* [24]*eye for eye, tooth for tooth, hand for hand, foot for foot,* [25]*branding for branding, wound for wound, stripe for stripe.*

First Pentad: Injuries by Animals

III. [30]If a ransom is fixed for him, he shall give for the redemption of his life whatever amount is determined.

IV. [31]Whether the ox hath gored a boy or a girl, this law shall be executed.

V. [32]If an ox gore a male or female slave, thirty shekels of silver shall be given to their master, and the ox shall be stoned.

Second Pentad: Injuries to Animals

VI. [33]If a man open a cistern or dig a cistern but doth not cover it, and an ox or an ass fall into it, [34]the owner of the cistern shall make it good; he shall give money to its owner and the carcass shall be his.

VII. [35]If one man's ox hurt another's, so that it dieth, then they shall sell the live ox, and divide the money received from it; they shall also divide the carcass between them.

VIII. [36]If it be known that the ox was already in the habit of goring and its owner hath not kept it in, he must pay ox for ox, and the carcass shall belong to him.

IX. **22** [1]If a man steal an ox, or a sheep, and kill it, or sell it, he shall restore five oxen for one ox, and four sheep for a sheep.[c] [3b]If he have nothing, then he shall be sold to pay for what he hath stolen.

X. [4]If the theft be found in his hand alive, whether it be ox, or ass, or sheep, he must pay twice its value.

Fourth Decalogue: Responsibility for Property

First Pentad: Property in General

I. **Ex. 22** [5]If a man burn over a field or vineyard and let the fire spread so that it devoureth a neighbor's field, out of the best of his own field, and the best of his own vineyard shall he make restitution.

II. [6]If fire break out, and catch in thorns, so that the shocks of grain, or the standing grain, or the field are consumed, he that kindled the fire must make restitution.

III. [7]If a man deliver to his neighbor money or personal property to keep, and if it be stolen out of the man's house, if the thief be found, the man shall make double restitution.

IV. [8]If the thief be not found, then the master of the house shall come before God to prove whether or not he hath taken his neighbor's goods.

V. [9]In every case of breach of trust whether it concern an ox, or ass, or sheep, or clothing, or any kind of lost thing of which one saith, This is it, the case of both parties shall come before God; he whom God shall condemn shall make double restitution to his neighbor.

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[c] 22[1] The sequel of [1] is [3b]. Vss.[2], [3a] deal with a related but distinct theme:
[2]*If the thief be found breaking in and be struck down so that he dieth, the one who striketh him is not guilty of murder.* [3]*If the sun hath risen, the one who striketh him, is guilty of murder; he must make restitution.*

Second Pentad: Property in Cattle

VI. [10]If a man deliver to his neighbor an ass, or an ox, or a sheep, or any beast, to keep; and it die or be hurt or be driven away without any one's having seen it, [11]an oath sworn by Jehovah shall be between both of them to decide whether or not the one hath taken his neighbor's property; the owner shall accept it, and the other need not make restitution.

VII. [12]If it be stolen from him, he shall make restitution to its owner.

VIII. [13]If the animal be torn in pieces, let him bring it as evidence; he need not make good that which was torn.

IX. [14]If a man borrow an animal from his neighbor and it be hurt or die, while its owner is not with it, the man must make restitution.

X. [15]If its owner be with it, the man need not make it good; being a hired animal, it came for its hire.

Fifth Decalogue: Social Purity

First Pentad: Adultery

I. **Dt. 22** [13]If, after a man hath married a wife and entered into marital relations with her, he turn against her, [14]and frame against her shameful charges, . . . [15]then the father of the young woman and her mother shall take and bring evidences of the young woman's virginity to the elders of the city at the gate; . . . [18]And the elders of that city shall take the man and punish him; [19]and they shall fine him a hundred shekels of silver, and give them to the young woman's father because the man hath given an evil name to a virgin of Israel; and she shall be his wife; he may not divorce her as long as he liveth. [d]

II. [20]But if it prove to be true that the evidences that the young woman was a virgin were not found, [21a]then they shall bring out the young woman to the door of her father's house, and the men of her city shall stone her to death because she hath committed a shameful act in Israel, in that she hath been a harlot in her father's house.

III. [22a]If a man be found lying with a married woman, they shall both of them die, the man who lay with the woman and the woman.

IV. [23a]If a man find in the city a young woman who is a virgin betrothed to a husband, and lie with her, [24]then ye shall bring them both out to the gate of that city and stone them to death, the damsel because she did not cry out, although she was in the city, and the man because he hath seduced his neighbor's wife.

V. [25]If the man find a young woman, who is betrothed in the field, and force her and lie with her, then simply the man who lay with her shall die; [26a]but thou shalt do nothing to the young woman; she hath committed no sin worthy of death.

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[d] Dt. 13^{13-19} The original decalogue versions of this and the four succeeding laws were undoubtedly at first far briefer, but, in common with most of the early laws in Dt., they have been freely worked over and expanded. Cf. Ex. 22^{16-20}.

Second Pentad: Fornication and Apostasy

VI. **Ex. 22** [16]If a man entice a young girl who is not betrothed, and lie with her, he must make her his wife by paying a dowry for her.

VII. [17]If her father utterly refuse to give her to him, he shall pay money equivalent to the dowry of young girls.

VIII. [18]A sorceress shall not be allowed to live.

IX. [19]Whoever lieth with a beast shall surely be put to death.

X. [20]He who sacrificeth to other gods, except to Jehovah, shall be placed under the ban.

III

RIGHTS AND DUTIES OF WIVES IN HAMMURABI'S CODE

The following are the more important laws in the Code of Hammurabi regarding the rights of wives and the subject of divorce; the translation is from Johns' *Bab. and Assyr. Laws, Contracts and Letters:*

§ 133. If a man has been taken captive, and there was maintenance in his house, but his wife has left her house and entered into another man's house; because that woman has not preserved her body, and has entered into the house of another, that woman shall be prosecuted and shall be drowned.

§ 134. If a man has been taken captive, but there was not maintenance in his house, and his wife has entered into the house of another, that woman has no blame.

§ 135. If a man has been taken captive, but there was no maintenance in his house for his wife, and she has entered into the house of another, and has borne him children, if in the future her [first] husband shall return and regain his city, that woman shall return to her first husband, but the children shall follow their own father.

§ 136. If a man has left his city and fled, and, after he has gone, his wife has entered into the house of another; if the man return and seize his wife, the wife of the fugitive shall not return to her husband, because he hated his city and fled.

§ 137. If a man has determined to divorce a concubine who has borne him children, or a votary who has granted him children, he shall return to that woman her marriage-portion, and shall give her the usufruct of field, garden, and goods, to bring up her children. After her children have grown up, out of whatever is given to her children, they shall give her one son's share, and the husband of her choice shall marry her.

§ 138. If a man has divorced his wife, who has not borne him children, he shall pay over to her as much money as was given for her bride-price and the marriage-portion which she brought from her father's house, and so shall divorce her.

§ 139. If there was no bride-price, he shall give her one mina of silver, as a price of divorce.

§ 140. If he be a plebeian, he shall give her one-third of a mina of silver.

§ 141. If a man's wife, living in her husband's house, has persisted in going out, has acted the fool, has wasted her house, has belittled her husband, he shall prosecute her. If her husband has said, "I divorce her," she shall go her way; he shall give her nothing as her price of divorce. If her husband has said, "I will not divorce her," he may take another woman to wife; the wife shall live as a slave in her husband's house.

§ 142. If a woman has hated her husband and has said, "You shall not possess me," her past shall be inquired into, as to what she lacks. If she has been discreet, and has no vice, and her husband has gone out, and has greatly belittled her, that woman has no blame, she shall take her marriage-portion and go off to her father's house.

§ 143. If she has not been discreet, has gone out, ruined her house, belittled her husband, she shall be drowned.

IV

REPARATION FOR DAMAGE TO PROPERTY

Hammurabi's laws regarding reparation for damage or loss of property reveal the stern paternal ruler (cf. for the corresponding Hebrew laws § 25):

§ 229. If a builder has built a house for a man, and has not made his work sound, and the house he built has fallen, and caused the death of its owner, that builder shall be put to death.

§ 230. If it is the owner's son that is killed, the builder's son shall be put to death.

§ 231. If it is the slave of the owner that is killed, the builder shall give slave for slave to the owner of the house.

§ 232. If he has caused the loss of goods, he shall render back whatever he has destroyed. Moreover, because he did not make sound the house he built, and it fell, at his own cost he shall rebuild the house that fell.

§ 233. If a builder has built a house for a man, and has not jointed his work, and the wall has fallen, that builder shall make that wall firm at his own expense.

§ 235. If a boatman has built a boat for a man, and has not made his work sound, and in that same year that boat is sent on a voyage and suffers damage, the boatman shall rebuild that boat, and, at his own expense, shall make it strong, or shall give a strong boat to the owner.

§ 236. If a man has let his boat to a boatman, and the boatman has been careless and the boat has been sunk or lost, the boatman shall restore a boat to the owner.

§ 237. If a man has hired a boat and boatman, and loaded it with corn, wool, oil, or dates, or whatever it be, and the boatman has been careless, and sunk the boat, or lost what is in it, the boatman shall restore the boat which he sank, and whatever he lost that was in it.

V

HAMMURABI'S LAWS OF INHERITANCE

The Babylonian laws regarding inheritance concede many rights to women, although they carefully preserve within each family the title to its hereditary possessions. The laws of Hammurabi present suggestive parallels to and variations from the Old Testament usages:

§ 150. If a man has presented field, garden, house, or goods to his wife, has granted her a deed of gift, her children, after her husband's death, shall not dispute her right; the mother shall leave it after her death to that one of her children whom she loves best. She shall not leave it to her kindred.

§ 162. If a man has married a wife, and she has borne him children, and that woman has gone to her fate, her father shall lay no claim to her marriage-portion. Her marriage-portion is her children's only.

§ 163. If a man has married a wife, and she has not borne him children, and that woman has gone to her fate; if his father-in-law has returned to him the bride-price, which that man brought into the house of his father-in-law, her husband shall have no claim on the marriage-portion of that woman. Her marriage-portion indeed belongs to her father's house.

§ 164. If the father-in-law has not returned the bride-price, the husband shall deduct the amount of her bride-price from her marriage-portion, and shall return her marriage-portion to her father's house.

§ 165. If a man has presented field, garden, or house to his son, the first in his eyes, and has written him a deed of gift; after the father has gone to his fate, when the brothers share, he shall keep the present his father gave him, and over and above shall share equally in the goods of his father's estate.

§ 167. If a man has taken a wife, and she has borne him children and that woman has gone to her fate, and he has taken a second wife, and she also has borne children; after the father has gone to his fate, the sons shall not share according to mothers, but each family shall take the marriage-portion of its mother, and all shall share the goods of their father's estate equally.

§ 168. If a man has determined to disinherit his son and has declared before the judge, "I cut off my son," the judge shall inquire into the son's past, and, if the son has not committed a grave misdemeanor such as should cut him off from sonship, the father shall disinherit his son.

§ 170. If a man has had children borne to him by his wife, and also by a maid, if the father in his lifetime has said, "My sons," to the children whom his maid bore him, and has reckoned them with the sons of his wife; then after the father has gone to his fate, the children of the wife and of the maid shall share equally. The children of the wife shall apportion the shares and make their own selection.

§ 171. And if the father, in his lifetime, has not said, "My sons," to the children whom the maid bore him, after the father has gone to his fate, the children of the maid shall not share with the children of the wife in the goods

of their father's house. The maid and her children, however, shall obtain their freedom. The children of the wife have no claim for service on the children of the maid.

The wife shall take her marriage-portion, and any gift that her husband has given her and for which he has written a deed of gift and she shall dwell in her husband's house; as long as she lives, she shall enjoy it, she shall not sell it. After her death it is indeed her children's.

§ 172. If her husband has not given her a gift, her marriage-portion shall be given her in full, and, from the goods of her husband's estate, she shall take a share equal to that of one son.

If her children have persecuted her in order to have her leave the house, and the judge has inquired into her past, and laid the blame on the children, that woman shall not leave her husband's house. If that woman has determined to leave, she shall relinquish to her children the gift her husband gave her, she shall take the marriage-portion of her father's estate, and the husband of her choice may marry her.

§ 173. If that woman, where she has gone, has borne children to her later husband, after that woman has died, the children of both marriages shall share her marriage-portion.

§ 174. If she has not borne children to her later husband, the children of her first husband shall take her marriage-portion.

§ 175. If either a slave of a patrician, or of a plebeian, has married the daughter of a free man, and she has borne children, the owner of the slave shall have no claim for service on the children of a free woman. And if a slave, either of a patrician or of a plebeian, has married a free woman and when he married her she entered the slave's house with a marriage-portion from her father's estate, be he slave of a patrician or of a plebeian, and from the time that they started to keep house, they have acquired property; after the slave, whether of a patrician or of a plebeian, has gone to his fate, the free woman shall take her marriage-portion, and whatever her husband and she acquired, since they started house-keeping. She shall divide it into two portions. The master of the slave shall take one half, the other half the free woman shall take for her children.

§ 176. If the free woman had no marriage-portion, whatever her husband and she acquired since they started house-keeping, she shall divide into two portions. The owner of the slave shall take one half, the other half the free woman shall take for her children.

§ 177. If a widow, whose children are young, has determined to marry again, she shall not marry without consent of the judge. When she is allowed to remarry, the judge shall inquire as to what remains of the property of her former husband, and shall intrust the property of her former husband to that woman and her second husband. He shall give them an inventory. They shall watch over the property, and bring up the children. Not a utensil shall they sell. A buyer of any utensil belonging to the widow's children shall lose his money and shall return the article to its owners.

§ 178. If a female votary, or vowed woman, has had given her by her father a portion, as for marriage, and he has written her a deed, and in the

deed which he has written her he has not written that she may leave it as she pleases, and has not granted her all her desire, after her father has gone to his fate, her brothers shall take her field, or garden, and, according to the value of her share, shall give her corn, oil, and wool, and shall content her heart. If they do not give her corn, oil, and wool, according to the value of her share, and do not satisfy her, she shall let her field and garden to a farmer, whom she chooses, and the farmer shall support her. The field, garden, or whatever her father gave her, she shall enjoy, as long as she lives. She shall not sell it, nor mortgage it. The reversion of her inheritance indeed belongs to her brothers.

§ 179. If a female votary, or vowed woman, has had a portion given her by her father, and he has written her a deed, and in the deed that he has written her has [declared] that she may give it as she pleases, and has granted her all her desire; after her father has gone to his fate, she shall leave it as she pleases; her brothers shall make no claim against her.

§ 180. If the father has not given a portion to his daughter, who is a female votary, or vowed woman; after her father has gone to his fate, she shall share in the property of her father's house, like any other child. As long as she lives, she shall enjoy her share; after her, it indeed belongs to her brothers.

§ 181. If a father has vowed his daughter to a god, as a temple maid, or a virgin, and has given her no portion; after the father has gone to his fate, she shall share in the property of her father's estate, taking one-third of a child's share. She shall enjoy her share, as long as she lives. After her, it belongs to her brothers.

§ 182. If a father has not given a portion, as for marriage, to his daughter, a votary of Marduk of Babylon, and has not written her a deed; after her father has gone to his fate, she shall share with her brothers from the goods of her father's estate, taking one-third of a child's share. She shall not be subject to duty. The votary of Marduk shall leave it after her to whom she pleases.

§ 183. If a father has given a portion, as for marriage, to his daughter by a concubine, and has given her to a husband, and has written her a deed; after her father has gone to his fate, she shall not share in the goods of her father's house.

§ 184. If a man has not given a portion, as for marriage, to his daughter by a concubine, and has not given her to a husband; after her father has gone to his fate, her brothers shall present her with a marriage-portion, according to the wealth of her father's estate, and shall give her to a husband.

VI

HAMMURABI'S LAWS REGARDING ASSAULT

§ 196. If a man has knocked out the eye of a patrician, his eye shall be knocked out.

§ 197. If he has broken the limb of a patrician, his limb shall be broken.

§ 198. If he has knocked out the eye of a plebeian or has broken the limb of a plebeian, he shall pay one mina of silver.

§ 199. If he has knocked out the eye of a patrician's servant, or broken the limb of a patrician's servant, he shall pay half his price.

§ 200. If a patrician has knocked out the tooth of a man that is his equal, his tooth shall be knocked out.

§ 201. If he has knocked out the tooth of a plebeian, he shall pay one-third of a mina of silver.

§ 202. If a man has smitten the privates of a man, higher in rank than he, he shall be scourged with sixty blows of an ox-hide scourge, in the assembly.

§ 203. If a man has smitten the privates of a patrician, of his own rank, he shall pay one mina of silver.

§ 204. If a plebeian has smitten the privates of a plebeian, he shall pay ten shekels of silver.

§ 205. If the slave of anyone has smitten the privates of a free-born man, his ear shall be cut off.

§ 206. If a man has struck another in a quarrel, and caused him a permanent injury, that man shall swear, "I struck him without malice," and shall pay the doctor.

§ 207. If he has died of his blows, [the man] shall swear [similarly], and pay one-half a mina of silver; or,

§ 208. If [the deceased] was a plebeian, he shall pay one-third of a mina of silver.

§ 209. If a man has struck a free woman with child, and has caused her to miscarry, he shall pay ten shekels for her miscarriage.

§ 210. If that woman die, his daughter shall be killed.

§ 211. If it be the daughter of a plebeian, that has miscarried through his blows, he shall pay five shekels of silver.

§ 212. If that woman die, he shall pay half a mina of silver.

§ 213. If he has struck a man's maid and caused her to miscarry, he shall pay two shekels of silver.

§ 214. If that woman die, he shall pay one-third of a mina of silver.

VII

HAMMURABI'S PENALTIES FOR THEFT

The following are the more important laws in the Code of Hammurabi concerning robbery:

§ 6. If a man has stolen goods from a temple, or house, he shall be put to death; and he that has received the stolen property from him shall be put to death.

§ 7. If a man has bought or received on deposit from a minor or a slave, either silver, gold, male or female slave, ox, ass, or sheep, or anything else, except by consent of elders, or power of attorney, he shall be put to death for theft.

§ 8. If a patrician has stolen ox, sheep, ass, pig, or ship, whether from a temple, or a house, he shall pay thirtyfold. If he be a plebeian, he shall return tenfold. If the thief cannot pay, he shall be put to death.

§ 9. If a man has lost property and some of it be detected in the possession of another, and the holder has said, "A man sold it to me, I bought it in the presence of witnesses"; and if the claimant has said, "I can bring witnesses who know it to be property lost by me"; then the alleged buyer on his part shall produce the man who sold it to him and the witnesses before whom he bought it; the claimant shall on his part produce the witnesses who know it to be his lost property. The judge shall examine their pleas. The witnesses to the sale and the witnesses who identify the lost property shall state on oath what they know. Such a seller is the thief and shall be put to death. The owner of the lost property shall recover his lost property. The buyer shall recoup himself from the seller's estate.

§ 10. If the alleged buyer on his part has not produced the seller or the witnesses before whom the sale took place, but the owner of the lost property on his part has produced the witnesses who identify it as his, then the [pretended] buyer is the thief; he shall be put to death. The owner of the lost property shall take his lost property.

§ 11. If, on the other hand, the claimant of the lost property has not brought the witnesses that know his lost property, he has been guilty of slander, he has stirred up strife, he shall be put to death.

§ 12. If the seller has in the meantime died, the buyer shall take from his estate fivefold the value sued for.

§ 21. If a man has broken into a house he shall be killed before the breach and buried there.

§ 22. If a man has committed highway robbery and has been caught, that man shall be put to death.

§ 23. If the highwayman has not been caught, the man that has been robbed shall state on oath what he has lost and the city or district governor in whose territory or district the robbery took place shall restore to him what he has lost.

§ 24. If a life [has been lost], the city or district governor shall pay one mina of silver to the deceased's relatives.

§ 25. If a fire has broken out in a man's house and one who has come to put it out has coveted the property of the householder and appropriated any of it, that man shall be cast into the self-same fire.

VIII

THE MARSEILLES SACRIFICIAL TABLET

Near the ruins of ancient Carthage a Phœnician inscription has been found which throws much light upon the old Canaanitish sacrificial customs. Although it cannot be dated earlier than the fourth or fifth century before the Christian era, it doubtless faithfully reflects much earlier institutions. In general the same sacrificial terms are used and the same laws prevail as among the Hebrews during the same period. Unfortunately the tablet, which is now at Marseilles, has been broken in many places and the meaning

of several of the terms used is still doubtful. By the aid of parallels and the implications of the context the text may, however, be tentatively restored as follows:

[1]Temple of Baal[ ]. Tariff of dues, set up by the superintendents of the dues in the time of [ ]baal the governor[a], son of Bodtanit, son of Bodeshmun, and of Halazbaal, the governor, son of Bodeshmun, son of Halazbaal and their colleagues.

[3]For an ox, whether it be a whole-offering, or a prayer-offering, or a whole thank-offering, the priests shall have ten shekels of silver for each; and if it be a whole-offering, they shall have, besides this payment, three hundred shekels of flesh; and if it be a prayer-offering, the . . . and the . . . ; but the skin, and the . . . , and the feet, and the rest of the flesh, shall belong to the person offering the sacrifice.

[5]For a calf whose horns are imperfect . . . , or for a hart, whether it be a whole-offering, or a prayer-offering, or a whole thank-offering, the priests shall have five shekels of silver for each; and if it be a whole-offering, they shall have, besides this payment, one hundred and fifty shekels of flesh; and if it be a prayer-offering, the . . . and the . . . ; but the skin, and the . . . , and the feet, and the rest of the flesh, shall belong to the person offering the sacrifice.

[7]For a ram, or for a goat, whether it be a whole-offering, or a prayer-offering, or a whole thank-offering, the priests shall have one shekel, and two zars, of silver for each; and if it be a prayer-offering, they shall have, besides this payment, the . . . , and the . . . ; but the skin, and the . . . , and the feet, and the rest of the flesh, shall belong to the person offering the sacrifice.

[9]For a lamb, or for a kid, or for the young of a hart, whether it be a whole-offering, or a prayer-offering, or a whole thank-offering, the priests shall have three-fourths of a shekel, and two zars of silver for each; and if it be a prayer-offering, they shall have, besides this payment, the . . . , and the . . . ; but the skin, and the . . . , and the feet, and the rest of the flesh, shall belong to the person offering the sacrifice.

[11]For a bird, whether domestic or wild, whether it be a whole thank-offering, or a . . . , or a . . . , the priests shall have three-fourths of a shekel, and two zars of silver for each; but the flesh shall belong to the person offering the sacrifice.

[12]For a bird, or sacred firstfruits, or a sacrifice of game, or a sacrifice of oil, the priests shall have ten gerahs for each.

[13]In every prayer-offering, which is presented before the gods, the priests shall have the . . . , and the . . . in the prayer-offering.

[14]For a cake, and for milk, and for fat, and for every sacrifice which a man may offer as a cereal-offering, the priests shall have . . .

[15]For every sacrifice which a poor man may offer in cattle or birds, the priests shall have nothing.

[16]Every . . . , and every . . . , and every . . . , and all men who may

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[a]Lit., *suffete*, or, *judge*, *i. e.*, the chief ruler of Carthage.

sacrifice, [17]these men shall give as payment for each sacrifice, according as is prescribed in the regulations . . .

[18]Every due which is not prescribed in this table shall be made according to the regulations which were drawn up by the superintendents of the dues in the time of [ ]baal son of Bodtanit, [19]and Halazbaal son of Bodeshmun, and their colleagues.

[20]Every priest who may accept a due other than that which is prescribed in this table, shall be fined . . .

IX

TABLES OF WEIGHTS AND MEASURES

These tables will give the approximate equivalents of the weights and measures employed in this volume. The following weights are computed according to the Troy standard:

	Babylonian		Phœnician	
	heavy	light	heavy	light
Shekel	.7 oz.	.35 oz.	.47 oz.	.23 oz.
Mina	3.5 lbs.	1.75 lbs.	2.33 lbs.	1.17 lbs.
Talent	210.4 "	105.19 "	140.25 "	70.12 "

Dry and Liquid Measures

	litres	gallons
Log	.50	.11
Cab	2.02	.44
Omer	3.63	.80
Sacred Hin	4.54	1.00
Hin	6.06	1.33
Great Hin	9.09	2.00
Seah	12.12	2.67
Bath	36.37	8.00
Homer	363.70	80.05

Linear Measures

	Longer System		Shorter System	
	metres	inches	metres	inches
Finger's breadth	.022	.86	.019	.74
Palm	.087	3.44	.075	2.95
Span	.262	10.33	.225	8.86
Cubit	.525	20.67	.450	17.72

X

THE POST-EXILIC SACRED CALENDAR

The following table will indicate in outline the dates and history of the more important feasts and fasts of later Judaism:

Sabbatical Feasts and Sacred Years

	References Outside the Legal Books
Sabbath	I Sam. $20^{5, 6}$, II Kgs. 4^{23}, 11^{5-7}, Neh. 8^{9-13}, 10^{31}, 13^{15-22}, Is. 56^{2-6}, 58^{12}, Jer. 17^{20-27}, Ezek. 20^{12-16}, Hos. 2^{13}, Am. 8^{5}, Mt. 12^{9-13}, Mk. 3^{1-5}, Lu. 6^{6-10}, 13^{10-17}, Jn. 5^{1-16}, 9^{14-16}
New Moon	I Sam. 20^{5}, Ps. $81^{3, 4}$, Is. $1^{13, 14}$, Am. 8^{5}, I Mac. 10^{34}
Sabbatical Year	Jer. 34, II Chr. 36^{21}, Neh. 10^{31}, I Mac. 6^{53}
Year of Jubilee	Is. $61^{1, 2}$, 63^{4}, Lk. 4^{18-21}

The Annual Feasts and Fasts

	Pre-exilic Date	*Post-exilic Date*	*Important References Outside the Legal Books*
Feast of Passover	In first month (March-April)	Fourteenth day of first month (March-April)	Josh. 5^{10}, II Chr. 30, 35, Ezra 6^{19}, Mt. 26^{2}, Acts 12^{4}
Feast of Wood Offering	.....	Fifteenth of first month	Jos. BJ II, 17^{6}
Feast of Unleavened Bread	Seven days in first month	Fifteenth to twenty-second of first month	Josh. 5^{11}, II Chr. 35^{17}, Ezra 6^{22}
Feast of Weeks or Pentecost	Seven weeks after the beginning of grain harvest	Fifty days after passover; about the eighth of third month (early in June)	II Mac. 12^{32}, Acts 2^{1}, 20^{16}, I Cor. 16^{8}
New Year's Day or Feast of Trumpets	.....	First day of seventh month (Sept.-Oct.)	Neh. $8^{9, 10}$
Day of Atonement	.....	Seventh day of seventh month	Ben S. 50^{5-21}, Acts 27^{9}, Heb. 2^{18}, 4^{14-16}, 5^{1-10}
Feast of Tabernacles	Seven days at the end of the year, when all the fruits had been harvested	Fifteenth to twenty-second of seventh month (Sept.-Oct.)	I Kgs. 8^{2}, 12^{32}, II Chr. 5^{3}, 7^{8}, Ezra 3^{4}, 8^{14-17}, Zech. 14^{16-19}, Jn. 7^{1}-10^{21}

	Pre-exilic Date	*Post-exilic Date*	*Important References Outside the Legal Books*
Feast of Dedication or Lights	.....	Eight days, beginning the twenty-fifth day of ninth month (Nov.-Dec.)	I Mac. 4^{56-59}, II Mac. 10^{6-8}, Jos. Ant. XII, 7^{7}
Nicanor's Day (later Fast of Esther)	.....	Thirteenth of twelfth month (Feb.-March)	I Mac. 7^{49}, II Mac. 15^{36}
Feast of Purim	.....	Fourteenth and fifteenth of twelfth month	II Mac. 15^{36}

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